



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2025

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CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.10145 of 2025

- 1.K.Gurusamy
- 2.G.Renganayagi
- 3.V.Ganeshamoorthy
- 4.G.Nageshwari @ Rajeshwari
- 5.V.Kannan @ Mariappasamy
- 6.M.Kavitha
- 7.S.Indira
- 8.S.Ragul @ Rakularaj

.... Petitioners

Vs

- 1.The Inspector of Police,
Puthiamputhur Police Station,
Tuticorin District.
(In Crime No.164 of 2015)

- 2.P.Radha Lakshmi

.... Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records in connection with C.C.No.786 of 2022 on the file of the learned District Munsif Cum Judicial Magistrate Court,



Ottapidaram, Thoothukudi District, in connection with Crime No.164 of 2015 on the file of the first respondent and subsequently, quash the same.

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For Petitioners : Mr.K.Arunraj
For Respondents : Mr.A.S.Abul Kalaam Azad, (for R1)
Government Advocate(Crl.side)
Mr.P.Banuprasath (for R2)

ORDER

The petitioners are accused in C.C.No.786 of 2022 on the file of the learned District Munsif Cum Judicial Magistrate Court, Ottapidaram, Thoothukudi District, which was registered for the offence under Sections 147, 148, 294(b), 323 and 506(i) of IPC and 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002. They have filed this application to quash the proceedings pending against them in C.C.No.786 of 2022 on the file of the learned District Munsif Cum Judicial Magistrate Court, Ottapidaram, Thoothukudi District, on the ground that the issue has been amicably settled among themselves.

2.The case has been registered for the offence under Sections 147, 148, 294(b), 323 and 506(i) of IPC and 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, of which, the offence under Sections 147, 148, 294(b) of IPC and 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 is not



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compoundable. However, the Hon'ble Supreme Court, in *Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath* [2017 9 SCC 641] and in *The State of Madhya Pradesh Vs. Dhruv Gurjar and Another* [(2019) 2 MLJ CrI 10], has given sufficient guidelines that must be taken into consideration by the Court while exercising its jurisdiction under Section 482 of Cr.P.C, to quash non-compoundable offences. One very important test that has been laid down is that the Court must necessarily examine whether the crime in question is purely individual in nature or a crime against the society with overriding public interest. It has been repeatedly cautioned that offences against the society with overriding public interest even if it gets settled between the parties, cannot be quashed by this Court.

3. Here, the prosecution case is that on 19.09.2015 at about 09.00 p.m., due to land dispute, when the defacto complainant was feeding grass to the cow in the cattle shed situated on the disputed land, at that time, the petitioners and other accused persons abused her in filthy language and attacked her in wooden stick and caused simple injury and also threatened her with dire consequences. The petitioners/Accused Nos.1 to 8 and the defacto complainant are neighbours.



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4. Since the conflict is between the private individuals and not affecting the Society at large, this Court entertained this petition, ordered notice and also directed the investigation officer to ascertain as to whether the compromise arrived between the parties is a voluntary one, without any threat or coercion.

5. The petitioners and the defacto complainant are present before this Court today and submitted that on the intervention of the elders, they have amicably resolved their issue. To that effect, they have also filed a joint compromise memo dated 18.06.2025.

6. The investigation officer, after verification, has filed a report that the compromise arrived upon between the parties is genuine, without any threat or coercion.

7. This Court has verified the parties with their Aadhar Cards and also verified as to the present status. The parties have expressed their willingness to solve the issue.



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8. In the case on hand, the offences are purely individual / personal in nature and the conflict is between the private individuals and it is not affecting the Society at large. It involves the petitioners and the second respondent / defacto complainant. Quashing the case will not affect any overriding public interest. The defacto complainant herself has submitted that she does not want to prosecute the case any further. Under such circumstances, no useful purpose will be served in keeping the case pending, even though some of the offences involved are not compoundable in nature. On the other hand, keeping the proceedings pending will only swell the mental agony of the parties.

9. In view of the above position and following the guidelines issued by the Hon'ble Supreme Court in the cases referred supra, this Court is inclined to quash the proceedings, though certain offences are non-compoundable, in order to avoid further conflict between the parties.

10. Accordingly, this original petition is allowed and the proceedings in C.C.No.786 of 2022 on the file of the learned District Munsif Cum Judicial Magistrate Court, Ottapidaram, Thoothukudi District, is hereby quashed. The joint compromise memo dated



18.06.2025, signed by the parties, shall form part and parcel of this

order.

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27.06.2025

(2/2)

NCC : Yes/No

Index : Yes/No

Internet:Yes

vsg

To

1.The District Munsif Cum Judicial Magistrate Court,
Ottapidaram,
Thoothukudi District.

2.The Inspector of Police,
Puthiamputhur Police Station,
Tuticorin District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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