

CrI.O.P.(MD)No.10258 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.07.2025

CORAM :

**THE HON`BLE MR.JUSTICE B.PUGALENDHI**

CrI.O.P.(MD)No.10258 of 2025

1.Mohamed Sabeek @ Mohammed Sabiq

2.Abdul Salam

... Petitioners

Vs.

1.The Inspector of Police,  
R.S.Mangalam Police Station,  
Ramanathapuram District.  
(Crime No.158 of 2025)

2. Raviyath Pathaviya

... Respondents

**Prayer :** Criminal Original Petition filed under Section 528 BNSS, to call for the records pertaining to the FIR in Crime No.158 of 2025 dated 22.05.2025 on the file of the Respondent Police Station and quash the same as illegal.

For Petitioners : Mr. B.Mahendrarajan

For R1 : Mr. P.Kottaichamy  
Government Advocate(CrI.side)



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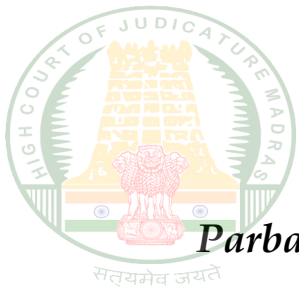
For R2

: Mr. S.Vikram

### ORDER

The petitioners are accused in Cr.No.158 of 2025 registered for the offence under Sections 296(b), 115(2), 118(1), 351(2) BNS and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 on the file of the first respondent Police. They have filed this application to quash the proceedings pending against them, on the ground that the issue has been amicably settled among themselves.

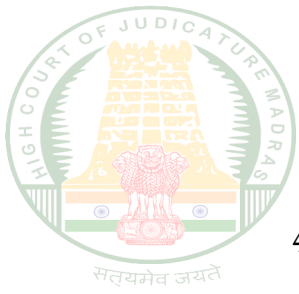
2.The case has been registered for the offence under Sections 296(b), 115(2), 118(1), 351(2) BNS and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, in which, the offence under Sections 296(b), 118(1) BNS and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 are not 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,(528 BNSS) 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 the petitioners and the defacto complainant are neighbors and there is a dispute between them, with regard to the drainage. Due to which, the petitioners abused the defacto complainant and also assaulted her and two others.



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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, the defacto complainant and other two victims 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 01.07.2025.

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 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.



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WEB COPY 10. Accordingly, this original petition is allowed and the proceedings in Cr.No.158 of 2025 on the file of the first respondent Police is hereby quashed. The joint compromise memo dated 01.07.2025, signed by the parties, shall form part and parcel of this order.

04.07.2025

NCC : Yes/No  
Index : Yes/No  
Internet:Yes  
gns



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- To
- 1.The Inspector of Police,  
R.S.Mangalam Police Station,  
Ramanathapuram District.
  - 2.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**B.PUGALENDHI,J**

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