

CrI.O.P.(MD)No.10468 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.10468 of 2025

Udhaya

... Petitioner

Vs.

1.The Inspector of Police,
Athoor Police Station,
Thoothukudi District.
Crime No.323 of 2020.

2.Kalaiselvi

... Respondents

Prayer : Criminal Original Petition filed under Section 528 BNSS, to call for the records relating to the Charge Sheet in C.C.No.521/2022 on the file of Judicial Magistrate Court, Tiruchendur and Quash the same against the Petitioner.

For Petitioner

: Mr. N.Rekha

For R1

: Mr. A.S.Abul Kalaam Azad
Government Advocate(CrI.side)

For R2

: Mr. P.Praveen Kumar



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ORDER

The petitioner is accused in C.C.No.521/2022 registered for the offence under Sections 294(b), 323, 506(1) IPC on the file of Judicial Magistrate Court, Tiruchendur. He filed this application to quash the proceedings pending against him, on the ground that the issue has been amicably settled among themselves.

2.The case has been registered for the offence under Sections 294(b), 323, 506(1) IPC, in which, the offence under Sections 294(b) IPC is 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 Crl 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



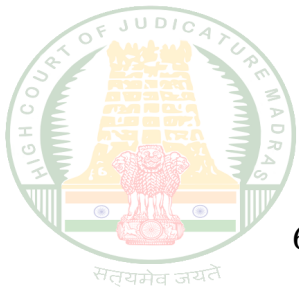
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with overriding public interest. It has been repeatedly cautioned that offences against the society with overriding public interest even if it gets settled between the parties, cannot be quashed by this Court.

3.Here, the prosecution case is that the petitioner and the second respondent are neighbors and due to land dispute, the petitioner abused and assaulted the second respondent.

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 petitioner 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 08.06.2025.

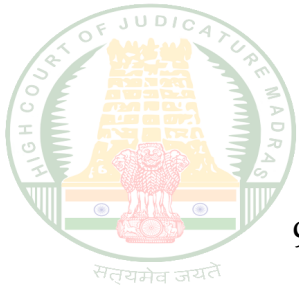


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6.The investigation officer, after verification, has filed a report that the compromise arrived upon between the parties is genuine, without any threat or coercion.

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.

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 petitioner 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.



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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.521/2022 on the file of Judicial Magistrate Court, Tiruchendur is hereby quashed. The joint compromise memo dated 08.06.2025, signed by the parties, shall form part and parcel of this order.

04.07.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
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- 1.The Judicial Magistrate Court,
Tiruchendur.
- 2.The Inspector of Police,
Athoor Police Station,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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