



CrIOP(MD)No.10671 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.07.2025

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**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

CrIOP(MD)No.10671 of 2025

A.S.Syed Sulthan

... Petitioner

Vs

The State rep by  
The Inspector of Police,  
K.Pudur Police Station,  
Madurai City.  
[Crime No.203 of 2025]

... Respondents

The Criminal Original Petition filed under Section 528 BNSS, to call for the records relating to the FIR in Crime No.203 of 2025 dated 25.03.2025 on the file of the 1<sup>st</sup> respondent police, quash the same as against the petitioner / accused No.1 and 2 is concerned.

|                |                                                     |
|----------------|-----------------------------------------------------|
| For Petitioner | : Mr.M.Chandrabose                                  |
| For R1         | : Mr.P.Kottaichamy<br>Government Advocate(Crl.side) |
| For R2         | : Mr.T.Eswar                                        |

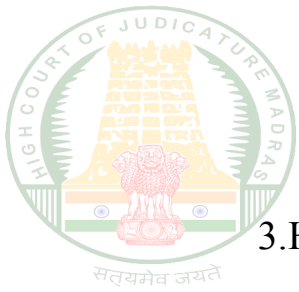
### **ORDER**

The petitioner is an accused in Crime No.203 of 2025 on the file of the 1<sup>st</sup> respondent police registered for the offence under Sections 296(b), 127(2), 77 and 351(2) BNS and under Section 4 of the Tamil Nadu Prohibition of



Harassment of Women Act, 2002. He has 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 Section 296(b), 127(2), 77 and 351(2) BNS and under Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, of which, the offence under Section 296(b) and 77 of BNS and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 are non 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, [now 528 of 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.



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3. Here the case of the prosecution is that the 2<sup>nd</sup> respondent has rented

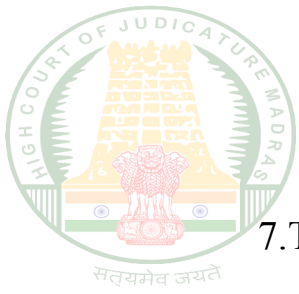
out the shop to the 1<sup>st</sup> petitioner, who in turn has rented it to the 2<sup>nd</sup> petitioner.

When the defacto complainant went to collect the rent, the petitioners said to have abused and criminally intimidated her. Hence the complaint.

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 12.06.2025.

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.

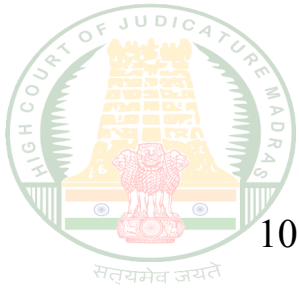


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7. This Court has verified the parties with their Aadhaar Cards and also verified as to the present status. The parties have expressed their willingness to solve the issue.

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 petitioners and the 2<sup>nd</sup> respondent / defacto complainant and their respective families only. 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 certain offences involved are non 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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10. Accordingly, this original petition is allowed and the proceedings in Crime No.203 of 2025 on the file of the 1<sup>st</sup> respondent is hereby quashed.

The joint compromise memo dated 12.06.2025 signed by the parties, shall form part and parcel of this order.

**11.07.2025**

DSK

To

- 1.The Inspector of Police,  
K.Pudur Police Station,  
Madurai City.
- 2.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**B.PUGALENDHI, J.**

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