

Crl.O.P.(MD)No.13511 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 21.07.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.13511 of 2024 and
Crl.MP(MD) No.8375 of 2024

Neelakandan @ Kalki Neelakan

... Petitioner

Vs

1.The Inspector of Police,
Thiruchitrambalam Police Station,
Thanjavur District,
Crime No.312/2021.

2.Thenmozhi

...Respondent

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the impugned charge sheet in STC No.85 of 2024 on the file of learned District Munsif cum Judicial Magistrate, Peravurani, and quash the same as against the petitioner.

For Petitioner	: Mr.A.Arun Prasad,
For R1	: Mr.A.S.Abul Kalaam Azad Government Advocate (Crl.side)
For R2	: Mr.S.Prabu

ORDER

The petitioner is the accused in STC No. 85 of 2024, on the

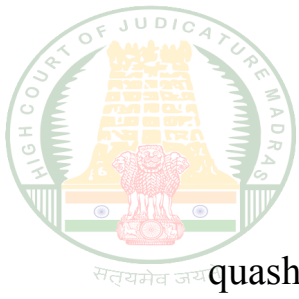


Crl.O.P.(MD)No.13511 of 2024

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file of learned District Munsif cum Judicial Magistrate, Peravurani, for the offence under Sections 294(b), 353 and 506(i) IPC. He has moved this petition to quash the above proceedings pending against him on the ground that the issue has been amicably settled with the defacto complainant.

2. The case has been registered for the offence 294(b), 353 and 506(i) IPC and though the offences 294(b), 353 IPC are not compoundable, 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, 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



Crl.O.P.(MD)No.13511 of 2024

quashed by this Court.

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3. Here, the prosecution case is that the defacto complainant is a staff nurse in Kalathur Primary Health Centre and she refused to inject COVID-19 vaccination to the petitioner's mother and therefore, the petitioner has scolded her in filthy language. Based on the complaint lodged by the defacto complainant, the above case has been registered as against this petitioner.

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 submit that on the intervention of the elders of the Village, they have amicably settled the issue and therefore, the defacto complainant is not inclined to prosecute the case further. To that effect, they have also filed a joint compromise memo, dated



Crl.O.P.(MD)No.13511 of 2024

21.01.2025.

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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 petitioners and the second respondent / defacto complainant. Quashing the case will not affect any overriding public interest. There is a case and counter case. The defacto complainant submitted that he 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



Crl.O.P.(MD)No.13511 of 2024

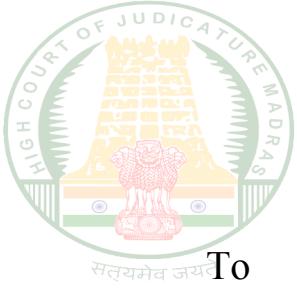
agony of the parties.
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9. In view of the above position and following the guidelines issued by the Hon'ble Supreme Court in the cases referred supra, this Court is inclined to quash the proceedings, though certain offences are non-compoundable, in order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

10. Accordingly, this Criminal Original Petition is allowed and the proceedings in STC No.85 of 2024, on the file of learned District Munsif cum Judicial Magistrate, Peravurani is hereby quashed. The joint compromise memo 21.01.2025, signed by the parties, shall form part and parcel of this common order. Consequently, connected Miscellaneous petition is closed.

21.07.2025

NCC : Yes/No
Index : Yes/No
vrn



Crl.O.P.(MD)No.13511 of 2024

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- 1.The District Munsif cum Judicial Magistrate, Peravurani
- 2.The Inspector of Police,
Thiruchitrambalam Police Station,
Thanjavur District.



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Crl.O.P.(MD)No.13511 of 2024

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Order made in
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