



Crl.O.P.(MD)No.11742 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.11742 of 2025
and
Crl.M.P.(MD)Nos.8912 and 8913 of 2025

Nagoor Syed

... Petitioner

versus

1. The State of Tamil Nadu, rep. by
The Inspector of Police,
Perungudi Police Station,
Madurai District.

2. Machakalai

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the charge sheet in C.C.No.117 of 2024 on the file of the Judicial Magistrate Court, Tirumangalam, Madurai District and quash the same as illegal.

For Petitioner	: Mr.K.Althaf Sheriff
For R1	: Mr.A.S.Abul Kalaam Azad, Government Advocate (Crl. Side)
For R2	: Mr.A.Nawazkhan



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ORDER

The petitioner is the accused No1, in C.C.No.117 of 2024 pending on the file of the Judicial Magistrate Court, Tirumangalam and they are facing the charges for the offence under Sections 294(b), 341, 323 and 506(1) IPC. He has filed this application to quash the proceedings pending against them, on the ground that the issue has been amicably settled among themselves.

2. The final report has been filed for the offence under Sections 294(b), 341, 323 and 506(1) IPC of which, the offence under Section 294(b) IPC is 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, 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



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Interest even if it gets settled between the parties, cannot be quashed by this Court.

3. Here, the prosecution case is that while the defacto complainant poured the gargled water into ditch, the same was sprinkled in front of the petitioner's house, due to which, there was a scuffle between the defacto complainant and the petitioner. Hence, the defacto complainant has lodged this complaint as against the petitioner and his father. Subsequent to the registration of this case, the petitioner's father/A2 died.

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 02.06.2025.



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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 2nd respondent / defacto complainant. Quashing the case will not affect any overriding public interest. The defacto complainant himself has 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 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 the offence under Section 294(b) IPC is 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.117 of 2024 on the file of the Judicial Magistrate Court, Tirumangalam, Madurai District, is hereby quashed. The joint compromise memo dated 02.06.2025, signed by the parties, shall form part and parcel of this order. Consequently, connected miscellaneous petitions are closed.

25.07.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes
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B.PUGALENDHI, J.

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To

1. The Judicial Magistrate Court,
Tirumangalam,
Madurai District.
2. The Inspector of Police,
Perungudi Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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