

Crl.O.P.(MD)No.11436 of 2025

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.11436 & 11437 of 2025

Crl.OP(MD)No.11436 of 2025:-

1. Yuvan Sankar @ Babu
2. Pravinkumar @ Pravin
3. Uthish Kumar @ Utheesh

... Petitioners

Vs

- 1.The State of Tamil Nadu,
Rep by the Inspector of Police,
Adirampattinam Police Station,
Thanjavur District.
Crime No. 479/2024.

2.Shabath Ahamed

...Respondents

Crl.OP(MD)No.11437 of 2025:-

Shabath Ahamed

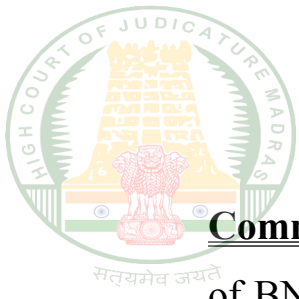
... Petitioner

Vs

- 1.The State of Tamil Nadu,
Rep by the Inspector of Police,
Adirampattinam Police Station,
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Crime No. 479/2024.

2.Yuvan Sankar @ Babu

..Respondents



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Common Prayer : Criminal Original Petitions filed under Section 528 of BNSS, to call for the records of FIR in Crime Nos.479 of 2024 and 480 of 2024, on the file of the first respondent and to quash the same.

For Petitioner : Mr.Santhanam Rajesh Kumar B
For R1 : Mr.P.Kottai Chamy,
Government Advocate(Crl.side)
For R2 : Mr.Sathyachidambaram
(In Crl.OP(MD) No.11436 of 2025)

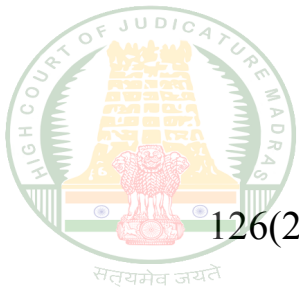
For Petitioner : Mr.Sathyachidambaram
For R1 : Mr.P.Kottai Chamy,
Government Advocate(Crl.side)
For R2 : Mr.Santhanam Rajesh Kumar B
(In Crl.OP(MD) No.11437 of 2025)

ORDER

The petitioners are accused in Crime Nos.479 of 2024 and 480 of 2024, on the file of the first respondent, for the offence under Sections 296(b), 115(2), 351(2) of BNS and Section 4 of TNWH Act and 296(b), 126(2), 115(2), 351(2) of BNS, 2023. There is a case and counter case and both the parties have these petitions to quash the above proceedings pending against them, on the ground that the issue has been amicably settled with each other.

2. The case has been registered for the offence 296(b),

<https://www.mhc.tn.gov.in/> 115(2), 351(2) of BNS and Section 4 of TNWH Act and 296(b),



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126(2), 115(2), 351(2) of BNS, 2023, out of which, some of the offences are not compoundable. However, the Hon'ble Supreme Court, in ***Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrat*** [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 quashed by this Court.

3. Here, the prosecution case is that the defacto complainant in Crl.OP(MD) No.11437 of 2025 is an engineering student. The defacto complainant along with his friend went to a temple by a two wheeler, the petitioner along with other accused came in a four wheeler, in a rash and negligent manner and about to dash his two wheeler. When it was questioned by the defacto complainant, there was



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a quarrel between them. Complaints have been lodged by the respective parties against each other and cases in Crime Nos. 479 of 2024 and 480 of 2024 have also been registered.

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 and the defacto complainant in both the Criminal original Petitions are present before this Court today and submit that the parties in both the petitions are belonging to the same village and on the intervention of the elders of the Village, they have amicably settled the issue and therefore, the defacto complainant in both the petitions are not inclined to prosecute the cases further. To that effect, they have also filed a joint compromise memos, dated 10.06.2025.



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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 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 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.

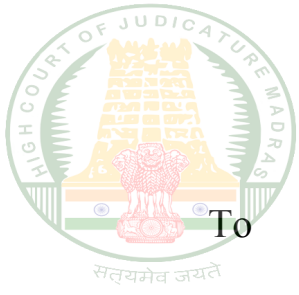
10. Accordingly, this Criminal Original Petition is allowed and the proceedings in Crime Nos. 479 of 2024 and 480 of 2024, on the file of the first Respondent Police is hereby quashed. The joint compromise memo 10.06.2025, signed by the parties, shall form part and parcel of this common order. The respective parties shall pay a sum of Rs.10,000/- to the credit of the respondent police station and the amount to be deposited by them shall be utilized for the welfare activities of the concerned police station.

21.07.2025

NCC : Yes/No

Index : Yes/No

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To

The Inspector of Police,
Adirampattinam Police Station,
Thanjavur District.



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B.PUGALENDHI,J

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Common Order made in
Crl.OP(MD)No.11436 & 11437 of 2025

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