

CrI.O.P.(MD)No.11322 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 04.07.2025

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.11322 of 2025

Rajasekar

... Petitioner

Vs.

1.The Inspector of Police,
Kalakkad Police Station,
Tirunelveli District.
Crime No.292 of 2025.

2.Vennila

... Respondents

Prayer : Criminal Original Petition filed under Section 528 BNSS, to call for the records pertaining to Crime No.292 of 2025 dated 19.04.2025 on the file of the Kalakkad Police Station, Tirunelveli District and Quash the same.

For Petitioner

: Mr.D.S.Haroon Rasheed

For R1

: Mr.P.Kottaichamy
Government Advocate(CrI.side)

For R2

: Mr.A.Balaji



WEB COPY



CrI.O.P.(MD)No.11322 of 2025

ORDER

The petitioner is accused in Crime No.292 of 2025 registered for the offence under Sections 131 and 140(2) BNS on the file of the first respondent. 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 Sections 131 and 140(2) BNS, in which, the offence under Section 140(2) BNS 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 CrI 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 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 husband and wife. Due to matrimonial dispute, the second respondent has lodged the present 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.

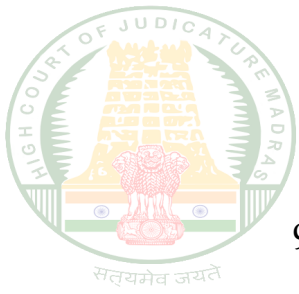
5.The petitioner and the defacto complainant are present before this Court today and submitted that on the intervention of the elders, they have amicably resolved their issue and the second respondent is also willing to join with her husband. To that effect, they have also filed a joint compromise memo dated 04.07.2025.



WEB COPY 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.



CrI.O.P.(MD)No.11322 of 2025

WEB COPY

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 Cr.No.292 of 2025 on the file of the first respondent is hereby quashed. The joint compromise memo dated 04.07.2025, signed by the parties, shall form part and parcel of this order.

04.07.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
gns

To

- 1.The Inspector of Police,
Kalakkad Police Station,
Tirunelveli District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CrI.O.P.(MD)No.11322 of 2025

B.PUGALENDHI,J

gns

CrI.O.P.(MD)No.11322 of 2025

04.07.2025