



Crl.O.P.(MD)No.11481 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.07.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.11481 of 2025

1.Jeeva
2.Antony Bisman
3.Rijo
4.Martin Sijo

... Petitioners

Vs

1.The State of Tamil Nadu,
Rep by the Inspector of Police,
Thisiyanvillai Police Station,
Cr.No. 338/2025
Tirunelveli District.

2.Aantharaj

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the FIR in Crime No. 338/2025 dt. 17.05.2025 on the file of the 1st respondent and quash the same against the petitioners concerned.

For Petitioners

: Mr.C. Susikumar

For R1

: Mr.P.Kottaichamy

Government Advocate(Crl.side)

For R2

: Mr.R.Maheshwaran



Crl.O.P.(MD)No.11481 of 2025

WEB COPY

ORDER

The petitioners are accused in Crime No.338 of 2025, on the file of the first respondent police, for the offence under Sections 126(2), 296(b), 115(2), 118(1) and 351(3) of BNS, 2023. They have moved this petition to quash the above proceedings pending as against them, on the ground that the issue has been amicably settled with the defacto complainant.

2. The case has been registered for the offence under Sections 126(2), 296(b), 115(2), 118(1) and 351(3) of BNS, 2023, of which, some of the offences are 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 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



Crl.O.P.(MD)No.11481 of 2025

WEB COPY

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 on 17.05.2025, the defacto complainant went to a tea shop nearby Thisaiyanvillai old bus stand, wherein the petitioners have also come. The first petitioner has kicked a street dog and when the same was questioned by the defacto complainant, the petitioners have abused the defacto complainant and also assaulted him. Hence, the case.

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 are present before this Court today. The defacto complainant submits that on the



Crl.O.P.(MD)No.11481 of 2025

WEB COPY

intervention of the elders, they have amicably resolved their issue. To that effect, they have also filed a joint compromise memo dated, 20.06.2025.

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.

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. 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



Crl.O.P.(MD)No.11481 of 2025

WEB COPY

are not 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.

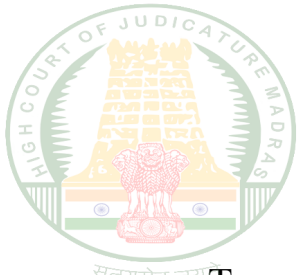
10. Accordingly, this Criminal Original Petition is allowed and the proceedings in Crime No.338 of 2025, on the file of the first respondent Police is hereby quashed. The joint compromise memo, dated 20.06.2025, signed by the parties, shall form part and parcel of this order.

21.07.2025

NCC : Yes/No

Index : Yes/No

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Crl.O.P.(MD)No.11481 of 2025

To
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The Inspector of Police,
Thisiyanvillai Police Station,
Tirunelveli District.



WEB COPY



Crl.O.P.(MD)No.11481 of 2025

B.PUGALENDHI,J

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Order made in
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