

Crl.O.P.(MD)No.11552 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.11552 of 2025

1. Pitchaikani
2. Ishwarya

... Petitioners

Vs

- 1.The State of Tamilnadu,
Rep by the Inspector of Police,
Cumbum South Police Station,
Theni District.
Crime No.131/2025.

- 2.Mahalakshmi

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the records in Crime No.131/2025 on the file of the 1st respondent and quash the same.

For Petitioner

: Mr.S.Muniyandi

For R1

: Mr.P.Kottaichamy

Government Advocate(Crl.side)

For R2

: Mr.B.Kumaresan



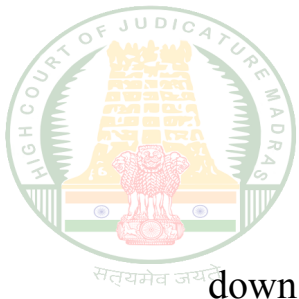
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ORDER

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The petitioners are accused in Crime No.131 of 2025, on the file of the first respondent police, for the offence under Sections 296(b), 115(2), 127(2), 118, 351(3) of BNS, 2023 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act. 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 296(b), 115(2), 127(2), 118, 351(3) of BNS, 2023 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act., 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



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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 is the wife of the first petitioner. Suspecting that her husband is living along with the second petitioner, the defacto complainant went to the house of the second petitioner, wherein, the petitioners abused the defacto complainant and also assaulted her. On the complaint of the second respondent /the defacto complainant, the above case has been registered as against the petitioners.

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.



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5. The petitioners and the defacto complainant are present before this Court today. The first petitioner submits that he will not abuse /assault his wife in future. He will take care of his wife and children properly. The second petitioner, who is present before this Court undertakes that she will not maintain any relationship with the first petitioner and will not interfere in the life of the first petitioner and the defacto complainant. The defacto complainant submits that now she is living with her husband and therefore, she is not inclined to prosecute the case further. To that effect, they have also filed a joint compromise memo, dated 08.07.2025.

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.



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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 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.

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.131 of 2025, on the file of the first respondent Police is hereby quashed. The joint compromise memo,



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dated 08.07.2025, signed by the parties, shall form part and parcel of
this common order.

21.07.2025

NCC : Yes/No
Index : Yes/No
vrn

To

The Inspector of Police,
Cumbum South Police Station,
Theni District.



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B.PUGALENDHI,J

vrn

Order made in
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21.07.2025