

Crl.O.P.(MD)No.11655 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.11655 of 2025 and
Crl.MP(MD) No.8846 of 2025

1. S. Ramachandran
2. B.Jeyakumar @ Gopi
3. Y.Dhanapal
4. J.Jaishane Balanpaul @ Shen

... Petitioner

Vs

- 1.The State of Tamil Nadu,
Rep. by the Inspector of Police,
Palayamkottai Police Station,
Tirunelveli.
(Crime No. 136/2025)

- 2.G.Vijayaseelan

...Respondent

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the impugned F.I.R. in Crime No.136 of 2025 dated 08.03.2025 on the file of the 1st Respondent police and quash the same.



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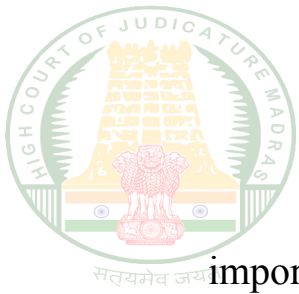
Crl.O.P.(MD)No.11655 of 2025

For Petitioner : Mr.Aayiram K.Selvakumar
For R1 : Mr.P.Kottai Chamy,
Government Advocate(Crl.side)
For R2 : Mr.Satheesh Kumar

ORDER

The petitioners are accused in Crime No.136 of 2025, on the file of the first respondent police, for the offence under Sections 189(2), 191(2), 296(b), 127(2), 115(2) and 351(2) of BNS, 2023. They have moved these petitions to quash the above proceedings pending 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 189(2), 191(2), 296(b), 127(2), 115(2) and 351(2) of BNS, 2023, of which, the offence under Sections 189(2), 191(2), 296(b) of BNS 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



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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 the petitioners and the defacto complainant are neighbours. There was a dispute among them with regard to drainage pipe, due to which, the petitioners assaulted the defacto complainant. Based 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 and submit that on the intervention of the elders of the Village, they have amicably settled the issue and therefore, the defacto complainant is not inclined to prosecute the case further. To that effect, they have also filed a joint compromise memo, dated 16.07.2025.

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.

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



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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.

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. 136 of 2025 on the file of the first Respondent Police is hereby quashed. The joint compromise memo 16.07.2025, signed by the parties, shall form part and parcel of this



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common order. Consequently, connected Miscellaneous petition is
closed.

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NCC : Yes/No

Index : Yes/No

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To

The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli.



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B.PUGALENDHI,J

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