



Crl.O.P.(MD)No.11920 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

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1. N.Ravi
2. S.R.Subash
3. Nagaraj
4. K.Ganapathy
5. Madubalan
6. P.Ramesh
7. S.Sundarapandi

... Petitioners

versus

1. State rep. by
The Inspector of Police,
Town North Police Station,
Dindigul District.

2. Uthaya Kumar

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertained to FIR in Crime No.124 of 2025 for the offence under Sections 191(2), 296(b), 115(2), 351(3), 303(2) of BNS which was registered on 17.02.2025 on the file of the first respondent, Inspector of Police, Town North, Dindigul District and quash the entire proceedings against the petitioners.

For Petitioners : Mr.K.Muthu Ganesa Pandian



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For R1 : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)
For R2 : M/s.Muthu Kavitha

ORDER

The petitioners are accused Nos.1 to 7 in Crime No.124 of 2025 on the file of the first respondent Police for the offences under Sections 191(2), 296(b), 115(2), 351(3) and 303(2) of BNS 2023. They have filed this petition to quash the FIR in Crime No.124 of 2025 pending against them on the ground that the issue has been amicably settled among themselves.

2. The case has been registered for the offence under Sections 191(2), 296(b), 115(2), 351(3) and 303(2) of BNS 2023, of which, the offence under Sections 191(2) and 296(b) BNS 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, (Section 528 of BNS) 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



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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 an Advocate and his daughter was studying 8th standard in St. Joseph (CBSE) School. On 17.02.2025, at about 4.45 p.m., the defacto complainant was waiting for his daughter, at that time, he insisted the watchman to remove some tree branches piled up near the school entrance and the same was informed to the 1st accused/the Special Sub Inspector of Police, who stood nearby the DMK party office, due to which, there was a wordy altercation between the accused and the defacto complainant. 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.



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5. The petitioners 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. To that effect, they have also filed a joint compromise memo dated 13.07.2025.

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 and the 2nd respondent / defacto complainant. Quashing the case will not affect any overriding public interest. The defacto complainant himself has 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



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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 FIR in Crime No.124 of 2025 registered on the file of the 1st respondent Police is hereby quashed. The joint compromise memo dated 13.07.2025, signed by the parties, shall form part and parcel of this order.

25.07.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes

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B.PUGALENDHI, J.

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To

1. The Inspector of Police,
Town North Police Station,
Dindigul District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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