



Crl.O.P.(MD)No.12052 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.08.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD) No.12052 of 2025

1. Sudhakar
2. Mariyappan
3. Periyannayagi
4. Suba
5. Palaniyammal

... Petitioners

Vs

- 1.The State of Tamil Nadu,
Rep by the Deputy Superintendent of Police,
Dindigul,
Dindigul District.

- 2.The Inspector of Police,
Chinnalapatti Police Station,
Dindigul District.
Crime No.130/2025.

- 3.Menaga

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the FIR in Crime No. 130 of 2025 on the file of the 1st respondent police and quash the same as against the petitioners.

For Petitioners
For R1 & R2

: Mr.C.Ezhilarasu,
: Mr.P.Kottaichamy
Government Advocate (Crl.side)
: Mr.N.Dilip Kumar

For R3



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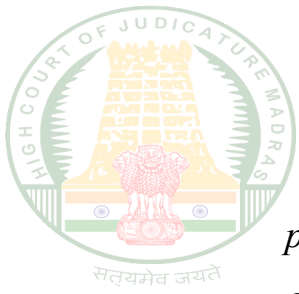
ORDER

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The petitioners are accused in Crime No.130 of 2025, on the file of the first respondent police, which was registered for the offence under Sections 191(2), 296(b), 118(1), 351(2) of BNS and Section 4 of The Tamil Nadu Prohibition Of Harassment Of Women Act, 1998 and Section 3(1)(r), 3(1)(s), 3(1)(w)(ii) of SC/ST (Prevention of Atrocities) Act, 1989. They have moved this Criminal Original Petition to quash the above proceedings pending against them, on the ground that the issue has been amicably settled between the petitioners and the defacto complainant.

2. The case has been registered for the offence under Sections 191(2), 296(b), 118(1), 351(2) of BNS and Section 4 of The Tamil Nadu Prohibition Of Harassment Of Women Act, 1998 and Section 3(1)(r), 3(1)(s), 3(1)(w)(ii) of SC/ST (Prevention of Atrocities) Act, 1989, out of which, some of the offences are not compoundable. However, the Honourable Supreme Court in *Ramawatar Vs State of Madhya Pradesh*, reported in **LL 2021 SC 589**, has held as follows:

'19. Having considered the peculiar facts and circumstances of the present case in light of the afore stated



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principles, as well as having meditated on the application for compromise, we are inclined to invoke the powers under Article 142 and quash the instant Criminal proceedings with the sole objective of doing complete justice between the parties before us. We say so for the reasons that:

Firstly, the very purpose behind Section 3(1)(x) of the SC/ST is to deter caste based insults and intimidations when they are used with the intention of demeaning a victim on account of he/she belonging to the Scheduled Caste/ Scheduled Tribe community. In the present case, the record manifests that there was an undeniable pre-existing civil dispute between the parties. The case of the Appellant, from the very beginning, has been that the alleged abuses were uttered solely on account of frustration and anger over the pending dispute. Thus, the genesis of the deprecated incident was the afore-stated civil/property dispute. Considering this aspect, we are of the opinion that it would not be incorrect to categorise the occurrence as one being overarchingly private in nature, having only subtle undertones of criminality, even though the provisions of a special statute have been attracted in the present case.

Secondly, the offence in question, for which the Appellant has been convicted, does not appear to exhibit his mental depravity. The aim of the SC/ST Act is to protect members of the downtrodden classes from atrocious acts of the upper strata of the society. It appears to us that although the Appellant may not belong to the same caste as the Complainant, he too belongs to the relatively weaker/backward section of the society and is certainly not in any better economic or social position



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when compared to the victim. Despite the rampant prevalence of segregation in Indian villages whereby members of the Scheduled Caste and Scheduled Tribe community are forced to restrict their quarters only to certain areas, it is seen that in the present case, the Appellant and the Complainant lived in adjoining houses. Therefore, keeping in mind the socio-economic status of the Appellant, we are of the opinion that the overriding objective of the SC/ST Act would not be overwhelmed if the present proceedings are quashed.

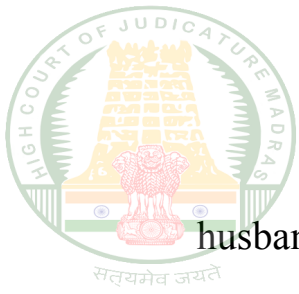
Thirdly, the incident occurred way back in the year 1994. Nothing on record indicates that either before or after the purported compromise, any untoward incident had transpired between the parties. The State Counsel has also not brought to our attention any other occurrence that would lead us to believe that the Appellant is either a repeat offender or is unremorseful about what transpired.

Fourthly, the Complainant has, on her own free will, without any compulsion, entered into a compromise and wishes to drop the present criminal proceedings against the accused.

Fifthly, given the nature of the offence, it is immaterial that the trial against the Appellant had been concluded.

Sixthly, the Appellant and the Complainant parties are residents of the same village and live in very close proximity to each other. We have no reason to doubt that the parties themselves have voluntarily settled their differences. Therefore, in order to avoid the revival of healed wounds, and to advance peace and harmony, it will be prudent to effectuate the present settlement.'

3. Here, the prosecution case is that the petitioners are the



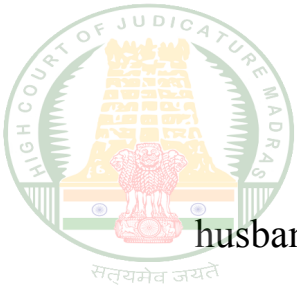
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husband and in-laws of the defacto complainant. They have ill-treated, harassed and also attacked the defacto complainant, by degrading her caste name. Based on the complaint of the defacto complainant, the case has been registered as against the petitioners.

4. In yet another case in *Parbathbhai Aahir @ Parbathbhai Vs. State of Gujraath* [2017 9 SCC 641] and in *The State of Madhya Pradesh Vs. Dhruv Gurjar and Another* [(2019) 2 MLJ Crl 10], the Hon'ble Supreme Court has given sufficient guidelines that must be taken into consideration by the Court while exercising its jurisdiction under Section 528 of BNSS, 2023 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.

5. Here, the prosecution case is that the petitioners are the



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husband and in-laws of the defacto complainant. They have ill-treated, harassed and also attacked the defacto complainant, by degrading her caste name. Based on the complaint of the defacto complainant, the case has been registered as against the petitioners.

6. Since the conflict is among the family members 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.

7. 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 and at present, the defacto complainant is living with her husband/the first petitioner peacefully. To that effect, they have also filed a joint compromise memo dated, 18.04.2025.

8. The investigation officer, after verification, has filed a



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report that the compromise arrived upon between the parties is genuine, without any threat or coercion.

9. 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.

10. 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 and their respective families only. 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.

11. In view of the above position and following the



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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.

12. Accordingly, this original petition is allowed and the
proceedings in Crime No. 130 of 2025, on the file of the first respondent
police is hereby quashed. The joint compromise memo dated,
18.04.2025, signed by the parties, shall form part and parcel of this
order.

08.08.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes
vrn



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- 1.The Deputy Superintendent of Police,
Dindigul,
Dindigul District.
- 2.The Inspector of Police,
Chinnalapatti Police Station,
Dindigul District.



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B.PUGALENDHI,J

vrn

Order made in
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