



CrIOP(MD)No.12371 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.08.2025

CORAM

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

CrIOP(MD)No.12371 of 2025

1.Abinesh

2.Sivanesh

... Petitioners

Vs

1.The State rep by  
The Inspector of Police,  
Anjugramam Police Station,  
Anjugramam,  
Kanyakumari District.  
[Crime No.121 of 2025]

2.Ajish

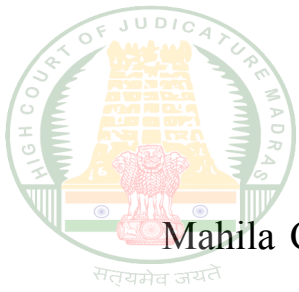
... Respondents

The Criminal Original Petition filed under Section 528 BNSS, to call for records relating to the charge sheet in STC No.1157 of 2025 on the file of the Judicial Magistrate No.III, Nagercoil and quash the same as against the petitioner.

For Petitioners : Mr.R.Bala Subramanian  
For R1 : Mr.A.S.Abul Kalaam Azad  
Government Advocate(Crl.side)  
For R2 : Mr.P.Arulsiva

### **ORDER**

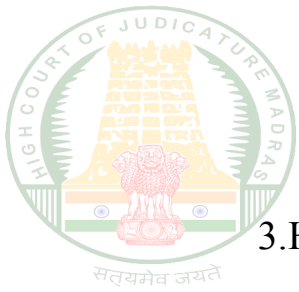
The petitioners are accused in STC No.1157 of 2025 on the file of the  
Judicial Magistrate No.III, Nagercoil on the file of the



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2.The final report has been filed for the offence under Sections 296(b), 351(2) and 115(2) of BNS, of which the offence under Section 296(b) and 115(2) of BNS are non 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 CrI 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, [now 528 of BNSS] 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.



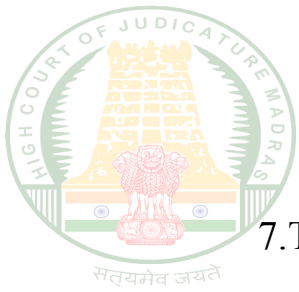
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3. Here the case of the prosecution is that when the petitioners and the defacto complainant were playing cricket with others, there was a wordy quarrel between them and consequently the petitioners attacked the defacto complainant with hands. Hence the complaint.

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 petitioner 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 04.07.2025.

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.

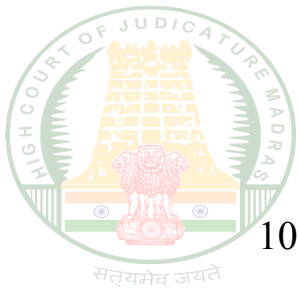


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7. This Court has verified the parties with their Aadhaar Cards and also verified as to the present status. The parties have expressed their willingness to solve the issue.

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 petitioner and the 2<sup>nd</sup> respondent / defacto complainant and their respective families only. Quashing the case will not affect any overriding public interest. The defacto complainant 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 certain offences involved are non 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.



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10. Accordingly, this original petition is allowed and the proceedings in

STC.No.1157 of 2025 on the file of the learned Judicial Magistrate No.III,  
Nagercoil is hereby quashed. The joint compromise memo dated 04.07.2025  
signed by the parties, shall form part and parcel of this order.

**01.08.2025**

DSK

To

- 1.The Judicial Magistrate No.III,  
Nagercoil.
- 2.The Inspector of Police,  
Anjugramam Police Station,  
Anjugramam,  
Kanyakumari District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**B.PUGALENDHI, J.**

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