



Crl.O.P.(MD)No.12069 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.12069 of 2025

Manikandan

... Petitioner/Sole Accused

Vs

1. The State of Tamil Nadu,
Rep. by the Inspector of Police,
Thevaram Police Station,
Theni District.
(Crime No.44 of 2025).

...1st Respondent/Complainant

2. Thiruppathi

...2nd Respondent/Defacto
Complainant

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the records in Crime No.91 of 2025 on the file of the 1st respondent Police and quash the same in respect of the petitioner.

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 petitioner is the accused in First Information Report registered in Crime No.91 of 2025 for the offence under Section 109 of BNS, 2023 on the file of the first respondent Police Station. He has filed this application to quash the proceedings pending against him, on the ground that the issue has been amicably settled among themselves.

2. The case has been registered for the offence under Section 109 of BNS, 2023, which is 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 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, 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



3. The case of the prosecution is that the second respondent's brother, namely *Madhuveerakarthish*, and the petitioner's daughter, namely *Padmashree Lekha*, were in love with each other. When this came to the knowledge of the family members, they performed marriage without knowledge of the petitioner, due to which, the petitioner created motive with the defacto complainant and thereby the petitioner thrown out brick stone and further threatened her with dire consequences. Hence, the present complaint.

4. It appears that the petitioner's daughter and the defacto complainant's brother, being in love, had eloped from their respective houses. On that premise, the present case has been registered as though the petitioner, with such motive, attacked the defacto complainant using stone. It is also brought to notice that the petitioner has lodged a counter-complaint against the defacto complainant and his father, which has been registered in Crime No.109 of 2024 before the respondent Police Station. The first respondent Police has investigated both the cases. At this stage, the petitioner has moved the present application.



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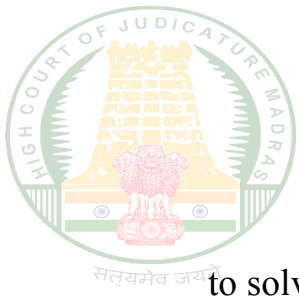
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5. Since the conflict is between the private individuals and not affecting the Society at large, this Court entertained this petition, ordered notice and also directed the investigation officer to ascertain as to whether the compromise arrived between the parties is a voluntary one, without any threat or coercion.

6. The petitioner, the defacto complainant and the victim are present before this Court and submitted that they are close relatives and the defacto complainant's brother has married the petitioner's daughter through a registered marriage. On the intervention of the elders, the parties have amicably resolved the issue, and they are not inclined to prosecute the case any further. To that effect, they have also filed a joint compromise memo dated 18.07.2025.

7. The investigation officer, after verification, has filed a report that the compromise arrived upon between the parties is genuine, without any threat or coercion.

8. This Court has verified the parties with their Aadhar Cards and also verified as to the present status. The parties have expressed their willingness



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to solve the issue.

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9. 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 defacto complainant. 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.

10. 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.

11. Accordingly, this original petition is allowed and the proceedings in FIR registered in Crime No.91 of 2025 on the file of the 1st respondent



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Police is hereby quashed. The joint compromise memo dated 18.07.2025 signed by the parties, shall form part and parcel of this order.

01.08.2025

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

Indu

To

- 1.The Inspector of Police,
Thevaram Police Station,
Theni District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

Indu

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