



Crl.O.P.(MD)No.12153 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.12153 of 2025

Kathar Maiden @ Kother Mydeen

... Petitioner/Sole Accused

Vs

1. The State of Tamil Nadu,
Rep. by the Inspector of Police,
Sivanthipetti Police Station,
Tirunelveli District.
Crime No.310 of 2025.

...1st Respondent/Complainant

2. Maharajan

...2nd Respondent/Defacto
Complainant

3.Sankarasubbu

...3rd Respondent/Victim

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the FIR in Crime No.310 of 2025, dated 01.07.2025 on the file of the 1st respondent Police for the offences under Section 296(b), 118(1), 351(3) of BNS and quash the same as illegal as against the petitioner alone.

For Petitioner : Mr.Sundarapandian.S

For R1 : Mr.Kottai Samy.P
Government Advocate (Crl. Side)

For R2 : Mr.Rajasekaran



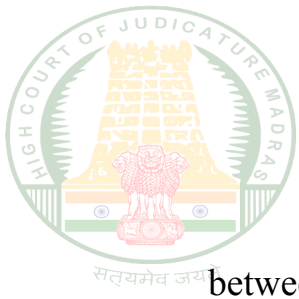
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ORDER

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The petitioner is an accused in Crime No.310 of 2025 registered for the offence u/s.296(b), 118(1), 351(3) of BNS on the file of the first respondent Police. 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 u/s.296(b), 118(1), 351(3) of BNS, of which, the offence u/s.296(b), 118(1) 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 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



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between the parties, cannot be quashed by this Court.

3. Here, the prosecution case is that the petitioner approached the third respondent to carry out the wood works in his house, for which, they entered into a contract. On 01.07.2025, when the petitioner asked the defacto complainant to do some extra works beyond the contract, he refused, for which, the petitioner abused him in filthy language, attacked him using hammer and thereby he sustained injury. Hence, the complain.

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 17.07.2025.



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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 petitioner and the third 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 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.



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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 original petition is allowed and the proceedings in Crime No.01.07.2025 on the file of the first respondent is hereby quashed. The joint compromise memo dated 17.07.2025, 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,
Sivanthipetti Police Station,
Tirunelveli 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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