



Crl.O.P.(MD)No.12761 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.08.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

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- 1.Vetti Velayuthaperumal
- 2.Satheesh
- 3.Manoj @ Manojkumar
- 4.Therach @ Dhiraj
- 5.Thillai @ Thillainambi
- 6.Gopi @ Govindhan
- 7.Mathukumar @ Mathusoothanan
- 8.Sreedharan

... Petitioners

Vs.

- 1.The Inspector of Police,
Kottai Police Station,
Kanyakumari District.
(Cr.No.146 of 2018)

- 2.Nagarasan @ Nagarajan

... Respondents

Prayer : Criminal Original Petition filed under Section 528 BNSS, to call for the records in PRC.No.14 of 2025 pending on the file of the Judicial Magistrate Court No.II, Nagercoil, Kanyakumari District and to quash the same as against the petitioners.

For Petitioners : Mr.S.Arul

For R1 : Mr.A.S.Abul Kalaam Azad,
Government Advocate(Crl.side)



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For R2

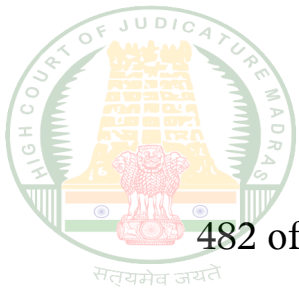
: Mr.R.Ratheesh

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ORDER

The petitioners are accused in PRC.No.14 of 2025 for the offence under Sections 147, 294(b), 352, 506(2) IPC and Section 3(1) of the Tamil Nadu Public Property (Prevention of Damage & Loss)Act, 1992 on the file of Judicial Magistrate Court No.II, Nagercoil, Kanyakumari District. They have filed this application to quash the proceedings 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 147, 294(b), 352, 506(2) IPC and Section 3(1) of the Tamil Nadu Public Property (Prevention of Damage & Loss)Act, 1992, of which, excepting the offence u/s.352 and 506(2) IPC, all other offences 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 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 Court.

3.Here, the prosecution case is that on, 06.04.2018, when a political meeting has been conducted by the defacto complainant, the accused persons abused the defacto complainant, assaulted him and also damaged the articles, worth about Rs.2,000/-.

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 petitioners and the defacto complainant are present before



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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 28.07.2025.

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 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. 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



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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 PRC.No.14 of 2025 pending on the file of the Judicial Magistrate Court No.II, Nagercoil, Kanyakumari District is hereby quashed. The defacto complainant/second respondent is directed to pay a sum of Rs.10,000/- to the respondent Police Station. The amount to be deposited by the defacto complainant, shall be utilized for the welfare of the respondent Police. The joint compromise memo dated 28.07.2025, signed by the parties, shall form part and parcel of this order.

13.08.2025

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

- 1.The Judicial Magistrate Court No.II,
Nagercoil,
Kanyakumari District.
- 2.The Inspector of Police,
Kottai Police Station,
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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