



*Crl.O.P.(MD)No.13117 of 2025*

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 08.08.2025

CORAM :

**THE HON'BLE MR.JUSTICE B.PUGALENDHI**

Crl.OP(MD)No.13117 of 2025 and  
Crl.MP(MD) Nos.9594 & 10367 of 2025

1. Jose  
2. Rohith Wilson

... Petitioners

Vs

1.The State of Tamilnadu,  
Rep by the Inspector of Police,  
Asaripallam Police Staion,  
Kannyakumari District.  
Cr.No.89 of 2024.

2.Ashlin John

...Respondents

**Prayer :** Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the proceedings in Crime No.89 of 2024 on the file of the 1st Respondent Police Station and quash the same in respect of the Petitioner/Accused No.1 to 4 and pass such futther or other orders as this Honble Court

|                |                                                             |
|----------------|-------------------------------------------------------------|
| For Petitioner | : Mrs.W.Pamelin,                                            |
| For R1         | : Mr.A.S.Abul Kalaam Azad,<br>Government Advocate(Crl.side) |
| For R2         | : Mrs.Y.Kumutha                                             |



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## ORDER

The petitioners are accused in Crime No.89 of 2024, on the file of the first respondent police, for the offence under Sections 296(b), 115(2), 118(1) and 351(3) of BNS, 2023. They have moved these petitions to quash the above proceedings pending against them, on the ground that the issue has been amicably settled with the defacto complainant.

2. The case has been registered for the offence 296(b), 115(2), 118(1) and 351(3) of BNS, 2023, of which, the offence under Sections 296(b) and 118(1) of BNS 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



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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 the first petitioner and the defacto complainant are studying in a Law College. The second petitioner is the father of the first petitioner. The first petitioner and the second respondent/defacto complainant have quarrelled with each other on trivial issue. On the complaint of the second respondent /the defacto complainant, the above case has been registered as against the petitioners.

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.



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5. The petitioners and the defacto complainant are present before this Court today. The defacto complainant claiming to be a law college student submits that due to some trivial issue, they quarrelled each other and therefore, he has lodged a complaint as against the petitioners and now he realized his mistake and he is not inclined to prosecute the case further. To that effect, they have also filed a joint compromise memo, dated 06.08.2025.

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 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



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and the second respondent / defacto complainant. Quashing the case will not affect any overriding public interest. There is a case and counter case. The defacto complainant 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.

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 Criminal Original Petition is allowed and the proceedings in Crime No.89 of 2024 on the file of the 1st Respondent Police is hereby quashed. The joint compromise memo 06.08.2025, signed by the parties, shall form part and parcel of this



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common order. Consequently, connected Miscellaneous petitions are closed.

**08.08.2025**

NCC : Yes/No

Index : Yes/No

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To

The Inspector of Police,  
Asaripallam Police Staion,  
Kanniyakumari Disrict.



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**B.PUGALENDHI,J**

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**Common Order made in**  
**Crl.OP(MD)No.13117 of 2025 and**  
**Crl.MP(MD) Nos.9594 & 10367 of 2025**

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