

CrI.O.P.(MD)No.12744 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

CrI.O.P.(MD)No.12744 of 2025

Kattar @ Mariya John Carter

... Petitioner

Vs.

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

2.Vetti Velayathaperumal

... Respondents

Prayer : Criminal Original Petition filed under Section 528 BNSS, to call for the records in C.C.No.292 of 2018 pending on the file of the Judicial Magistrate No.II, Nagercoil, Kanyakumari District and to quash the same as against the petitioner.

For Petitioner : Mr.R.Ratheesh

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

For R2 : Mr.S.Arul



ORDER

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The petitioner is A4 in C.C.No.292 of 2018 pending on the file of the Judicial Magistrate No.II, Nagercoil, Kanyakumari District for the offence under Sections 147, 294(b), 506(ii) IPC. 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.147, 294(b), 506(ii) IPC, of which, excepting Section 506(ii) IPC, the other offences 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 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.,(528 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



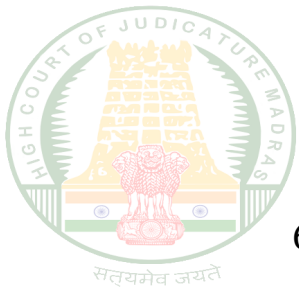
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against the society with overriding public interest even if it gets settled between the parties, cannot be quashed by this Court.

3.Here, the prosecution case is that the petitioner, who is a political party, has insultingly spoken about the Hindu religion and Hon'ble Prime Minister of India and the same was questioned by the defacto complainant. At that time, the petitioner and other accused abused and threatened the defacto complainant.

4.The learned counsel appearing for the petitioner submits that in respect of A1 to A3 & A6 in this case, this Court has already quashed the impugned charge sheet on the ground of compromise, vide order dated 15.11.2023 in Crl.O.P.(MD)No.14480 of 2022. He further submits that the other accused are not aware of A5, who is a total stranger to them and summon has also not been served on A5.

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.



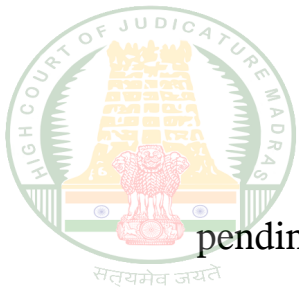
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6.The petitioner and the defacto complainant are present before this Court today and submitted that on the intervention of the elders, they have amicably resolved their issue. To that effect, they have also filed a joint compromise memo dated 28.07.2025.

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 to solve the issue.

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 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



CrI.O.P.(MD)No.12744 of 2025

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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 the offences are non-compoundable, in order to avoid further conflict between the parties.

11.Accordingly, this original petition is allowed and the proceedings in C.C.No.292 of 2018 pending on the file of the Judicial Magistrate 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 utilised 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
Internet: Yes
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CrI.O.P.(MD)No.12744 of 2025

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To

1.The Judicial Magistrate No.II,
Nagercoil,
Kanyakumari District.

2.1.The Inspector of Police,
Kottar Police Station,
Kanyakumari District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CrI.O.P.(MD)No.12744 of 2025

B.PUGALENDHI,J

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CrI.O.P.(MD)No.12744 of 2025

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