

CrIOP(MD)No.12527 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.08.2025

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrIOP(MD)No.12527 of 2025

- 1.Ramesh
- 2.Senthur Pandi @ Senthupandian
- 3.Chandran @ Chandrasekaran
- 4.Sasi @ Sasikumar
- 5.Mahesh
- 6.Elumalai

... Petitioners

Vs

- 1.The State rep by
The Sub Inspector of Police,
Ayikudi Police Station,
Tenkasi District.
[Crime No.109 of 2020]

- 2.Ponnathai

... Respondents

The Criminal Original Petition filed under Section 528 BNSS, to call for the records relating to charge sheet in CC.No.209 of 2022 dated 15.07.2022 on the file of the District Munsif cum Judicial Magistrate, Shencottah, Tenkasi District and quash the same as against the petitioners.



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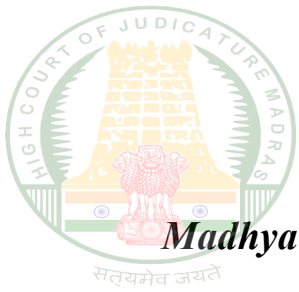
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For Petitioners : Mr.S.Veeranasamy
For R1 : Mr.AS.Abul Kalaam Azad,
Government Advocate(Crl.side)
For R2 : Mr.T.Prabhakaran

ORDER

The petitioners are accused in CC.No.209 of 2022 dated 15.07.2022 on the file of the learned District Munsif cum Judicial Magistrate, Shencottah, Tenkasi District and they are facing the charges for the offence under Sections 147,148,294(b), 324, 323, 506(2) and 326 IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002. 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 final report has been filed for the offence under Sections Sections 147,148, 294(b), 324, 323, 506(2) and 326 IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 of which, the offence under Sections 147,148, 294(b), 324 and 326 IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 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, [now 528 of 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 against the society with overriding public interest even if it gets settled between the parties, cannot be quashed by this Court.

3. Here the case of the prosecution is that one Ajith Kumar drove a tractor in a rash and negligent manner posing danger to others and therefore one Ganeshpandian informed the defacto complainant's brother to warn the driver of the vehicle. Subsequently the petitioners attacked the defacto complainant and his brother, while they were conversing with each other. Hence the complaint.

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



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compromise arrived between the parties is a voluntary one, without any threat or coercion.

5.The petitioners 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 16.07.2025.

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 Aadhaar 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 and the 2nd respondent / defacto complainant and their respective families only.



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Quashing the case will not affect any overriding public interest. The defacto

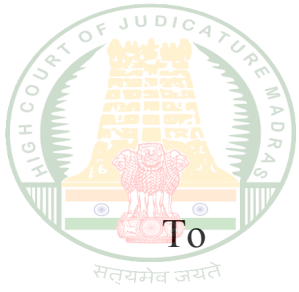
complainant does not want to prosecute the case any further. Under such circumstances, no useful purpose will be served in keeping the case pending, even though certain offences involved are non compoundable in nature. On the other hand, keeping the proceedings pending will only swell the mental agony 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 original petition is allowed and the proceedings in CC.No.209 of 2022 on the file of the learned District Munsif cum Judicial Magistrate, Shencottah, Tenkasi District is hereby quashed. The joint compromise memo dated 16.07.2025 signed by the parties, shall form part and parcel of this order.

01.08.2025

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- To
- 1.The District Munsif cum
Judicial Magistrate,
Shencottah,
Tenkasi District
 - 2.The Sub Inspector of Police,
Ayikudi Police Station,
Tenkasi District.
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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