

Crl.O.P.(MD)No.12875 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.08.2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

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1. Pratheep @ Pratheep Kumar
2. Aushien Sham @ Aushien Sham Kalz
3. Kirushan
4. Ajin
5. Bazidh
6. Alhan

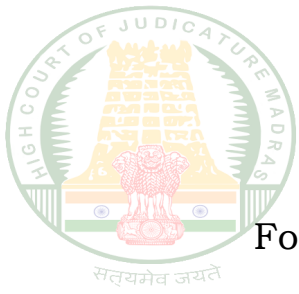
Petitioners

Vs.

1. State of Tamilnadu,
Rep. by the Inspector of Police,
Kaliyakavilai Police Station,
Kanyakumari District.
2. Seethan

Respondents

This petition is filed under Section 528 of BNSS 2023, to call for the records pertaining to the Crime No.218/2025 dated 30.06.2025 on the file of the 1st respondent Police and quash the same.



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For Petitioners: Mr.S.Vishnuvardhan

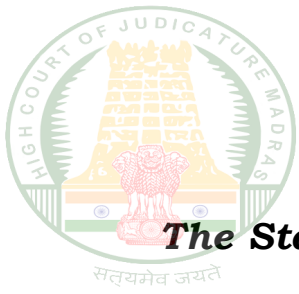
For R1: Mr.P.Kottaichamy
Government Advocate (Crl. Side)

For R2: Mr.C.Venkatesh

ORDER

The petitioners are the accused Nos.1 to 6 in Crime No.218 of 2025 on the file of the respondent Police registered for the offence under Sections 191(2), 296(b), 115(2), 351(3) and 303(2) BNS. They have moved this petition to quash the FIR in Crime No.218 of 2025, pending against them, on the ground of compromise.

2.The case has been registered for the offence under Sections 191(2), 296(b), 115(2), 351(3) and 303(2) BNS, in which, excepting Section 115(2) BNS, all are not compoundable. However, the Hon'ble Supreme Court, in ***Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath*** [2017 9 SCC 641] and in



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The State of Madhya Pradesh Vs. Dhruv Gurjar and Another

WEB C [**(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 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 29.06.2025, the defacto complainant hired a car from A2 and went to Kovalam with his friends. When they were returning from Kovalam, the said car met with an accident and the same was informed to the car's owner. Due to the same, the accused persons assailed the defacto complainant and his friends and they have also took the



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cell phone, 2 sovereigns of gold chain and two wheeler from the defacto complainant.

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 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.



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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. The defacto complainant claims that the accused persons returned the cell phone, 2 sovereigns of gold chain and two wheeler.

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 pending will only swell the mental agony of the parties.



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WEB COP 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.218/2025 dated 30.06.2025 on the file of the 1st respondent Police is hereby quashed. The joint compromise memo dated 28.07.2025, signed by the parties, shall form part and parcel of this order.

13.08.2025

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To

1. The Inspector of Police,
Kaliyakavilai Police Station,
Kanyakumari District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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