

CRL OP(MD)No.13073 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 13.08.2025

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL OP(MD)No.13073 of 2025

1.Selvakumar
2.Amaravathi
3.Ramakrishnan
4.Ananthi

... Petitioners

Vs

1.The Inspector of Police,
Aralvoimozhi Police Station,
Kanyakumari District.
Crime No.366 of 2025

2.Rathika

... Respondents

PRAYER :- The Criminal Original Petition filed under Section 528 BNSS, to call for the records relating to FIR in Crime No.366 of 2025 dated 08.05.2025 on the file of the 1st respondent police and quash the same as against the petitioners.

For Petitioners : Mr.S.Vikram



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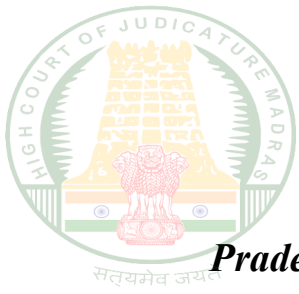
For R1 : Mr. Kottaichamy
Government Advocate (Crl.Side)

For R2 : Mr.S.Aravindhakumar

ORDER

The petitioners are accused in Crime No.366 of 2025 registered for the offence under Sections 296(b), 115(2), 118(1) & 351(2) BNS on the file of first respondent Police. 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 296(b), 115(2), 118(1) & 351(2) BNS, of which, the offence under Sections 296(b), 118(1) 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],

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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 the first petitioner and the defacto complainant are husband and wife and their marriage was solemnized on 15.05.2022. After marriage, the accused persons harassed the defacto complainant by demanding additional dowry.

4.Since the conflict is between the private individuals and not affecting the Society at large, this Court entertained this petition,



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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 and the defacto complainant is living with the first petitioner. To that effect, they have also filed a joint compromise memo dated 04.08.2025.

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.



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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 herself has submitted that she 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.



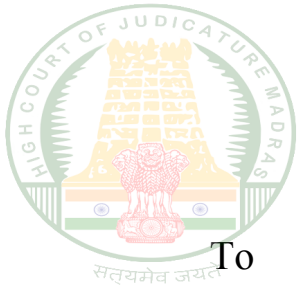
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10. Accordingly, this original petition is allowed and the proceedings in Crime No.366 of 2025 on the file of the first respondent Police is hereby quashed. The joint compromise memo dated 04.08.2025, signed by the parties, shall form part and parcel of this order.

13.08.2025

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To

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- 1.The Inspector of Police,
Aralvoimozhi 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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