

Crl.O.P.(MD)Nos.13854, 13855 & 13728 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.08.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)Nos.13854 , 13855 & 13728 of 2025

Crl.OP(MD)No.13854 of 2025:-

1. P. Vishwanathan
2. P.Radhakrishnan
3. K.Perumal
4. J.Abraham Ponpandi

... Petitioners

Vs

- 1.The State of Tamil Nadu,,
Rep. by the Inspector of Police,
District Crime Branch,
Tirunelveli.
(Crime No. 18/2004).

- 2.K.Mariselvam
M/s. Deepam Agencies,
Indian Oil Dealer,
National Highways No. 7,
Gangaikondan,
Tirunelveli District.

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS,
to call for the records in CC.No. 76 of 2006, on the file of Judicial
Magistrate No.1, Tirunelveli and quash the same.



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Crl.O.P.(MD)Nos.13854, 13855 & 13728 of 2025

For Petitioners
For R1

: Mr.P.Samuel Gunasingh
: Mr.A.S.Abil Kalaam Azad
Government Advocate (Crl.side)
: Mr.Balasubramanian

For R2

Crl.OP(MD)No.13855 of 2025:-

1. P. Vishwanathan
2. P.Radhakrishnan

... Petitioners

Vs

1.The State of Tamil Nadu,
Rep. by the Inspector of Police,
District Crime Branch,
Tirunelveli.
(Crime No. 18/2004).

2.K.Mariselvam
M/s. Deepam Agencies,
Indian Oil Dealer,
National Highways No. 7,
Gangaikondan,
Tirunelveli District.

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS,
to call for the records in CC.No. 75 of 2006, on the file of Judicial
Magistrate No.1, Tirunelveli and quash the same.

For Petitioners
For R1

: Mr.P.Samuel Gunasingh
: Mr.A.S.Abil Kalaam Azad
Government Advocate (Crl.side)
: Mr.Balasubramanian

For R2



Crl.O.P.(MD)Nos.13854, 13855 & 13728 of 2025

Crl.OP(MD)No.13728 of 2025:-

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1.K.Mariselvam

... Petitioner

Vs

K.Perumal

...Respondent

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the records in STC No.718 of 2008, on the file of Judicial Magistrate No.1, Tirunelveli and quash the same.

For Petitioner	: Mr.Balasubramanian
For Respondent	: Mr.Samuel Gunasingh

COMMON ORDER

The petitioners in all the Criminal Original Petitions are the accused in criminal cases in CC Nos.76, 75 of 2006 and STC No.718 of 2008 respectively, for the offences under Sections 465, 467, 468, 471, 474 r/w 120(B) IPC, 408 and 414 IPC, and 138 of Negotiable Instruments Act. 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 above cases have been registered for the offence 465, 467, 468, 471, 474 r/w 120(B) IPC, 408 and 414 IPC, and 138 of Negotiable Instruments Act, out of which, some of the offences 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 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.

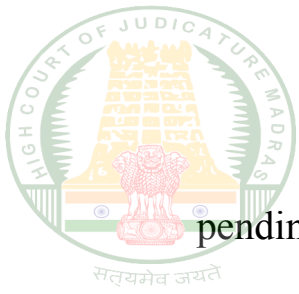
3. Here, the prosecution case is that one Mariselvam/the defacto complainant in Crl.OP(MD)Nos.13854 & 13855 of 2025 is the sole proprietor of a petrol bunk, namely, Deepam Agencies, Tirunelveli. He has lodged a complaint as against the petitioners that all of them have



conspired and misappropriated a sum of Rs.2,67,000/- from his petrol bunk. In this regard, the criminal cases in CC Nos.76, 75 of 2006 are pending before the Judicial Magistrate Court No.I, Tirunelveli. One of the petitioners, namely, K.Perumal has lodged a complaint as against the defacto complainant through his relative and the same is pending in STC No.718 of 2008. Now, they claim that the issue has been settled and therefore, the above proceedings have to be quashed on the ground of compromise.

4.Since the conflict is between the private individuals and not affecting the Society at large, this Court entertained these petitions, 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 in all petitions are present before this Court today. The defacto complainant in Crl.OP(MD) Nos.13854 & 13855 of 2025 states that the petitioners have returned the money, alleged to have been misappropriated by them and also they have agreed to withdraw the private complaint, which is



pending in STC No.718 of 2008, filed as against him, for the offence under Sections 138 of Negotiable Instruments Act. Therefore, the defacto complainant is not willing to prosecute the cases any further. To that effect, they have also filed a joint compromise memos, dated 19.08.2025 and 18.08.2025.

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.

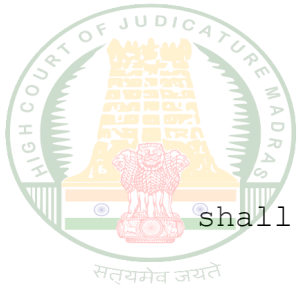
8. In the case on hand, the offences are purely individual / personal in nature and the conflict is between the private individuals and it is not affecting the Society at large. It involves the petitioners and the second respondent / defacto complainant. Quashing the case will not affect any overriding 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. Considering the submissions made on either side that the misappropriated amount has been settled to the defacto complainant in Crl.OP(MD) Nos.13854 & 13855 of 2025 and the petitioners are inclined to withdraw the private complaint registered as against the defacto complainant under Section 138 of Negotiable Instruments Act, which is pending in STC No.718 of 2008 and also in view of the above position of law 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, these Criminal Original Petitions are allowed and the proceedings in CC Nos.76, 75 of 2006 and STC No.718 of 2008 on the file of the Judicial Magistrate No. 1, Tirunelveli are hereby quashed. The joint compromise memos, dated 19.08.2025 and 18.08.2025 signed by the parties



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shall form part and parcel of this common order.

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29.08.2025

NCC : Yes/No
Index : Yes/No
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To

The Inspector of Police,
District Crime Branch,
Tirunelveli.



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B.PUGALENDHI,J

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Common Order made in
Crl.OP(MD)Nos.13854 , 13855 & 13728 of 2025

29.08.2025