

Crl.O.P.(MD)No.13839 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.13839 of 2025

1. Nagarajan
2. Azhaguraja

... Petitioners

Vs

1.The State of Tamilnadu, Rep.,
By its the Inspector of Police,
Boothapandy Police Station,
Kanyakumari District.
(Crime No.287 of 2022).

2.Gnana Thangaraj

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the criminal case in S.T.C.No.13 of 2023, on the file of the Learned District Munsif cum Judicial Magistrate, Boothapandy and quash the same.

For Petitioner

: Mrs.Nagesgwari .P,

For R1

: Mr.A.S.Abul Kalaam Azad,
Government Advocate(Crl.side)

For R2

: Mr.V.Sukumar



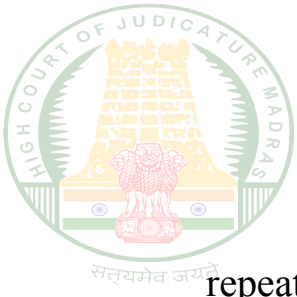
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ORDER

The petitioners are accused in S.T.C.No.13 of 2023, on the file of the Learned District Munsif cum Judicial Magistrate, Boothapandy, for the offence under Sections 147, 241, 294(b) and 323 IPC. They have moved this petition to quash the above proceedings pending against them, on the ground that the issue has been amicably settled with the defacto complainant.

2. The case has been registered for the offence 147, 241, 294(b) and 323 IPC, 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



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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 due to previous enmity, the petitioners abused and attacked the defacto complainant, when he was in Church. On the complaint of the second respondent /the defacto complainant, the above case has been registered as against the petitioners.

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. The defacto complainant submits that he is not inclined to prosecute the case any further as the petitioners are his



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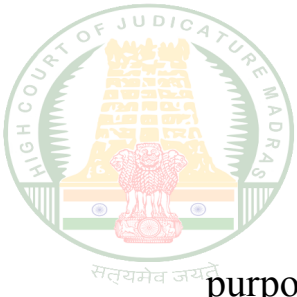
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relatives and they have taken apology from him, for the offence committed by them. To that effect, they have also filed a joint compromise memo, dated 18.08.2025.

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



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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.

10. Accordingly, this Criminal Original Petition is allowed and the proceedings in S.T.C.No.13 of 2023, on the file of the Learned District Munsif cum Judicial Magistrate, Boothapandy is hereby quashed. The joint compromise memo 18.08.2025, signed by the parties, shall form part and parcel of this common order.

11. The petitioners and the defacto complainant shall pay a sum of Rs.5,000/- to the respondent police for having made them to file



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the final report in this case on such trivial issue. The respondent police shall utilize the amount to be deposited by the petitioners and the defacto complainant for the welfare of the police station.

29.08.2025

NCC : Yes/No

Index : Yes/No

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To

The Inspector of Police,
Boothapandy Police Station,
Kanyakumari District.



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B.PUGALENDHI,J

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Order made in
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