



Crl.O.P.(MD)No.21748 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 05.12.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

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1.M.Ani

2.T.Murugan

3.M.Radha

... Petitioners/A1 to A3

Vs.

1.The State of Tamil Nadu,
The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.
(Crime No.262 of 2024)

... 1st respondent /
Complainant

2.S.Rajesh

... 2nd respondent / de-facto
Complainant

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the impugned Charge Sheet in S.T.C.No.958 of 2025 pending on the file of the learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District and quash the same as illegal.

For Petitioners : Mr.K.Sheenivasan

For R1 : Mr.S.Ravi,
Additional Public Prosecutor



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For R2

: Mr.K.Dinesh

ORDER

This Criminal Original Petition has been filed under Section 528 BNSS, seeking to quash the charge sheet filed in S.T.C.No.958 of 2025 pending on the file of the learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District, insofar as the petitioners are concerned.

2. The case of the prosecution is that due to previous enmity, on 18.09.2024, the petitioners abused the de-facto complainant in filthy language, assaulted him with deadly weapon, and also criminally intimidated him. This resulted in the filing of a complaint in Crime No.262 of 2024 before the first respondent police. After investigation, a charge sheet was filed, and the matter was taken on file as S.T.C.No.958 of 2025 on the file of the learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District, for the alleged offences under Sections 296(b), 115(2), and 351(1) of BNS, 2023.

3. Admittedly, the petitioners and the 2nd respondent are known to each other and they have now resolved the dispute amicably. A Joint Compromise Memo dated 02.12.2025 has been filed before this Court.



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4. The petitioners and the 2nd respondent/de-facto complainant are present before this Court in person and are identified by Mr.T.R.Raja Kumar, Special Sub-Inspector of Police, Arumanai Police Station, Kanyakumari District. The de-facto complainant has categorically stated that he does not wish to pursue the proceedings against the petitioners. This Court is satisfied that the compromise is voluntary and not the result of any coercion or undue influence.

5. The law relating to quashment of criminal proceedings on the basis of compromise between the parties is well settled. In ***Gian Singh v. State of Punjab***¹, the Hon'ble Supreme Court authoritatively held that the inherent power of the High Court under Section 482 Cr.P.C is of wide amplitude and may be exercised to quash criminal proceedings even in respect of non-compoundable offences, provided the dispute is essentially private in nature and the quashment would secure the ends of justice. The Court, however, drew a clear distinction between offences arising out of personal or matrimonial disputes, commercial transactions and similar private wrongs, and serious or heinous offences having grave impact on society, holding that the latter category cannot ordinarily be quashed merely on the basis of a settlement.

¹ 2012 10 SCC 303



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6. The said principles were succinctly crystallised in ***Parbatbhai Aahir v. State of Gujarat***², wherein the Supreme Court, after surveying the earlier precedents, laid down broad propositions governing the exercise of inherent jurisdiction on the basis of compromise. It was emphasised that the paramount consideration is whether the continuance of the criminal proceedings would be unfair or contrary to the interests of justice, and whether the dispute predominantly bears a civil or private character, rendering the possibility of conviction remote and bleak.

7. In ***State of Madhya Pradesh v. Laxmi Narayan***³, the Supreme Court reiterated and clarified the limitations on such power, holding that offences of a serious nature, particularly those involving mental depravity, grave violence, or offences against society at large, cannot be quashed on the basis of compromise, even if the parties have amicably settled the dispute. The Court further cautioned that while examining compromise quash petitions, the High Court must consider the nature and gravity of the offence, the conduct of the accused, and the stage of the proceedings, and the overall impact on society and must satisfy itself that the settlement is voluntary and not the result of coercion or undue influence.

² 2017 9 SCC 641

³ 2019 5 SCC 688



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8. Applying the aforesaid principles to the facts of the present case, this Court has carefully examined the nature and gravity of the allegations, the relationship between the parties, the conduct of the petitioners, the stage of the proceedings, and the voluntary nature of the compromise.

9. The dispute in question is predominantly private in character and does not involve any offence having serious or grave impact on society at large. In view of the compromise arrived at between the parties, the possibility of conviction is rendered remote and bleak. Continuation of the criminal proceedings would therefore serve no useful purpose and would amount to an abuse of the process of Court.

10. Accordingly, the impugned charge sheet filed in S.T.C.No.958 of 2025 on the file of the learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District, is quashed insofar as the petitioners are concerned, and the Criminal Original Petition stands allowed. The joint compromise memo dated 02.12.2025 shall form part and parcel of this order.

05.12.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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L.VICTORIA GOWRI, J.

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To

1.The Judicial Magistrate Court No.I,
Kuzhithurai, Kanyakumari District.

2.The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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