



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : **20.02.2026**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

CrI.O.P.(MD)No.1666 of 2026

1.Alphonse Jayapal

2.John Bosco

... Petitioners/Accused No. 5 & 6

Vs.

1. The State of Tamil Nadu,
Rep. by the Inspector of Police,
Nesamani Nagar Police Station,
Kanyakumari District.
(In Crime No.345 of 2013)

... 1st Respondent/Complainant

Princely @ Aslin (Deceased)

... Defacto Complainant

2. George Ponnaiah

... 2nd Respondent/ Victim

PRAYER : Petition filed under Section 528 of BNSS, 2023 to call for the records in C.C.No.257 of 2024 on the file of the learned Judicial Magistrate No. 2, Nagercoil, Kanyakumari District, and quash the charge sheet against the petitioners/accused in C.C.No.257 of 2024 on the file of the learned Judicial Magistrate No.2, Nagercoil, Kanyakumari District.



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For Petitioners : Mr. V.S.Aariharasudhan

For Respondents : Mr. M.Sakthi Kumar (R1)
Government Advocate (Crl.Side)

Mr. CN.Tamizharasan (R2)

ORDER

This Criminal Original Petition is filed under Section 482 CrPC / Section 528 BNSS, seeking to quash the charge sheet in C.C.No.257 of 2024 on the file of the learned Judicial Magistrate No.2, Nagercoil, Kanyakumari District, insofar as the petitioners are concerned.

2. The gist of the allegations in the final report is that, due to administrative dispute in the Holy Family Church, Ramanathapuram, the accused persons abused the defacto complainant, who is the brother's son of the Parish Priest of the said Church and the victim/2nd respondent in filthy language and attacked them with stone and also criminally intimidated them. Pursuant to the complaint given by the defacto complainant / second respondent, a case in Crime No.345 of 2013 was registered on the file of the first respondent against the petitioners and others for the offences under Sections 147, 148, 294(b), 324



and 506(2) of IPC and the corresponding offence 191(2), 191(3), 296(b), 118(1) and 351(2) of BNS, 2023, and the same culminated in laying final report in C.C.No.19 of 2018 before the file of the learned Judicial Magistrate No.2, Nagercoil, Kanyakumari District, for the the aforesaid offences. Since case against A1, A2, A5 & A7 to A13 has been quashed by way of filing of compromise quash in CrI.OP(MD)No.14418 of 2024, case against the petitioners herein has been split up and renumbered as C.C.No.257 of 2024 . Seeking quashment of the charge sheet, this Criminal Original Petition is filed.

3. Admittedly, the petitioners and the second respondent are known to each other, and they have now resolved the dispute amicably. A Joint Compromise Memo dated 02.02.2025 has been filed before this Court.

4. The petitioners and the second respondent / Victim are present before this Court in person and are identified by Mrs.Muruganantha Eswari, WHC, 2568 the Inspector of Police, Nesamani Nagar Police Station, Kanyakumari District. The victim have categorically stated that they do not wish to pursue the proceedings against the petitioners herein. This Court is satisfied that the compromise is voluntary and not the result of any coercion or undue influence.



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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 CrPC 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.

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

1 2012 (10) SCC 303

2 2017 (9) SCC 641



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.

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.

³ 2019 (5) SCC 688



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. Further, the Hon'ble Supreme Court, in *Lovely Salhotra and another v. State (NCT of Delhi) and another*⁴, has held that where a clear offence is made out against the prime accused and no offence is made out against the peripheral accused, the Court can certainly consider quashing the charges against those accused, against whom no offence is made out.

11. Accordingly, the impugned charge sheet in C.C.No.257 of 2024 on the file of the learned Judicial Magistrate No.2, Nagercoil, Kanyakumari District, is quashed insofar as the petitioners are concerned and the Criminal Original Petition stands allowed. Each of the petitioners shall pay a sum of Rs.2,000/- (Rupees Two Thousand only) for establishing an E-Library to the credit of the MBHAA, in Indian Bank, Madurai Bench of Madras High Court Branch, Account No.496038755 IFSC No.IDIB000H040, MICR Code:

⁴ AIR 2017 SC 2595



625019020, on or before 17.04.2026. The joint compromise memo dated 02.02.2026 shall form part and parcel of this order.

11. The petitioners are directed to file a memo along with the photocopy of the receipt before the Registry on or before 17.04.2026. List the matter on 20.04.2026, for reporting compliance.

20.02.2026

NCC : Yes / No
Index : Yes / No
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TO:-

1. The Judicial Magistrate No.2,
Nagercoil, Kanyakumari District,
2. The Inspector of Police,
Nesamani Nagar Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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L.VICTORIA GOWRI, J.

dss

Order made in
CrI.O.P.(MD)No.1666 of 2026

Dated
20.02.2026