



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-09-2025

WEB COPY

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 23612 of 2025

1. M.Duraibabu,
S/o. Munusamy, No.2/341,
Bajanai Koil Street, Thazhambur,
Kancheepuram District.
2. M.Krishnan
S/o.Munusamy, No. 52/10, Kambar
Street East, Tambaram East,
Kancheepuram District.
3. A.Arulothayam @ Alladevan
S/o. Annappan, No.65, Yathava Street,
Nathanallur, Kancheepuram District.
4. R.Palani,
S/o. Ramadoss,
5. R.Kannan
S/o. Ramadoss, Both are residing at,
No.18/1, Reddiyar Street,
Naickenkuppam, Kancheepuram
District.

Petitioner(s)



Vs

1. State Rep by,
The Inspector of Police,
B5-Walajabad Police Station,
Kancheepuram District.
(Crime No. 406/2018)

2.S.Theresa
W/o. Late. Sowri Christian,
No.103/153, VOC Street, Nehru Nagar,
Vallam, Kancheepuram District.

Respondent(s)

PRAYER

This Criminal Original Petition has been filed under Section 528 of BNSS to Call for the records relating to the case in Crime No.406/2018 on the file of the 1st Respondent Police and quash the same.

For Petitioner(s): M/s.M.D.Ilaiyaraja

For Respondent(s): Mr. K.M.D.Muhilan,
Addl. Public Prosecutor.
For R1

Mr. A.Tamilselvan,
for R2



ORDER

WEB COPY

This Criminal Original Petition has been filed to quash the Crime No.406 of 2018 pending on the file of the first respondent for the offences under sections 147, 148, 441, 442, 436 & 506(ii) of IPC.

2. The complaint has been lodged by the second respondent/defacto complainant. The crux of the allegation is that on 21.11.2017, the accused persons, armed with deadly weapons, unlawfully assembled and demolished the RCC-roofed house by using a JCB machine and they have also used bombs and fire to weaken and damage the entire building. When the defacto complainant questioned their act, they threatened him with dire consequences.

3. The petitioners and the de-facto complainant/R2 appeared before this Court and were identified by their respective counsel as well as by Mr.B.Devadoss, Grade-I PC, 483, B5 Walajabad Police Station, Kancheepuram District (Mob. No.9498110091) .



WEB COPY

4. The defacto complainant stated before this Court that he and the petitioners are living in the same village and he has compromised the issue with the petitioners and he does not want to proceed with the criminal proceedings. He has also filed a Joint Memo of Compromise entered between himself and the petitioners to that effect.

5. The learned Additional Public Prosecutor appearing on behalf of the first respondent submitted that though the parties entered into a compromise while this case is pending, this Court, taking into account the seriousness of the offence has to consider the issue as to whether an offence of this nature can be quashed on the ground of compromise between parties.

6. The allegation in the complaint is with regard to personal dispute. The defacto complainant himself appeared before this Court and stated that he is not willing to proceed with the criminal proceedings.

7. The main issue that requires for consideration of this Court is as to



WEB COPY

whether this Court can quash the criminal proceedings involving non-compoundable offences pending against the petitioner. The Hon'ble Supreme Court in the case of *Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath*, reported in *2017 9 SCC 641* and in case of *The State of Madhya Pradesh Vs. Dhruv Gurjar and Another* reported in *(2019) 2 MLJ Crl 10*, has given sufficient guidelines that must be taken into consideration by this Court while exercising its jurisdiction under Section 528 of BNSS to quash non-compoundable offences. One very important test that has been laid down is that the Court must necessarily examine if the crime in question is purely individual in nature or a crime against the society with overriding public interest. The Hon'ble Supreme Court has held that offences against the society with overriding public interest even if it gets settled between the parties, cannot be quashed by this Court.

8. In the present case, the offences in question are purely individual/personal in nature . It involves dispute between the petitioners and the second respondent and quashing the proceedings, will not affect any



overriding public interest in this case and no useful purpose will be served in continuing with the criminal proceedings. In view of the above, this Court is inclined to quash the First Information Report registered in Crime No.406 of 2018 pending on the file of the first respondent in exercise of its jurisdiction under Section 528 of BNSS.

9. Accordingly, this Criminal Original Petition is allowed and the First Information Report registered in Crime No.406 of 2018 pending on the file of the first respondent, is quashed. The Joint Memo of Compromise filed by the petitioners and the second respondent for compromising the offences shall form part of the records.

03-09-2025

Neutral Citation: Yes/No

mrp

To

The Inspector of Police,
B5-Walajabad Police Station,
Kancheepuram District.



WEB COPY

CRL OP No. 23612 of 2025



N.SATHISH KUMAR J.

mrp

CRL OP No. 23612 of 2025

03-09-2025