



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-08-2025

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THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 23890 of 2025

and

CrI.O.P.No.16320 of 2025

1. Devarajan

2. Natarajan

3. Rakesh

Petitioner(s)

Vs

1. The State, represented by
The Inspector of Police,
G.1, Vepery Police Station,
Chennai - 600 007.

2.Suresh

Respondent(s)

PRAYER

This Criminal Original Petition has been filed under Section 528 of BNSS Act to Call for the records in FIR Crime No.42 of 2025 dated 5.2.2025 on the file of Inspector of Police, G.1 Vepery Police station, Chennai District and QUASH the same as illegal to secure the ends of justice

For Petitioner(s): Mr. R.Sankarasubbu



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For Respondent(s): Mr. R. Vinothraja,
Govt. Advocate (crl. Side)

M/s. M.Santhiya For R2

ORDER

This Criminal Original Petition has been filed to quash the Crime No.42 of 2025 pending on the file of the first respondent for the offence under section 106 of BNS.

2. The complaint has been lodged by the second respondent/defacto complainant. The crux of the allegation is that while the defacto complainant and his brother were working in M/s Live Constructions Solutions Private Ltd., his brother Jeyaprakash fell from the ladder and succumbed to the injuries sustained.

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.D.Krishnamurthy, Sub Inspector, G1 Veppery Police Station, Chennai..



The defacto complainant Mr. Suresh and the petitioners are present before this Court at the time of hearing.

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4. The defacto complainant stated before this Court that he has compromised the issue with the petitioners and he does not want to proceed with the criminal proceedings. He has also filed a Memorandum 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 that the accident had occurred in a small scale industry. The defacto complainant himself appeared before this Court and stated that he is not willing to proceed with the criminal proceedings.



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7. The main issue that requires for consideration of this Court is as to 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 Gujraht*, 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.42 of

2025 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.42 of 2025 pending on the file of the first respondent, is quashed. The Memorandum of Compromise filed by the petitioners and the second respondent for compromising the offences shall form part of the records. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

mrp



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N.SATHISH KUMAR J.

mrp

To

The Inspector of Police,
G.1, Vepery Police Station,
Chennai - 600 007.
Crime No.42 of 2025

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