



Crl.O.P.No.23910 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 04.09.2025**

CORAM:

**THE HON'BLE MR.JUSTICE N. SATHISH KUMAR**

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1. R.Mukundan
2. Chandrakala
3. Rajesh
4. Poonkodi
5. Venkatesan
- 6 Senu @ Srinivasan
7. Senthil @ Manivannan

... Petitioners

Vs.

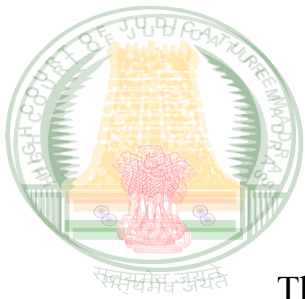
1. State Rep. by  
Inspector of Police  
R-3 Ashok Nagar Police Station,  
Chennai

2. R.Shankaran

... Respondents

**PRAYER** : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in Crime No.152 of 2022 on the file of the 1<sup>st</sup> respondent/Investigation Officer and quash the same.

|                |                                                      |
|----------------|------------------------------------------------------|
| For Petitioner | : Mr.R.Ganesh Babu                                   |
| For R1         | : Mr.R.Vinothraja<br>Government Advocate (Crl. Side) |
| For R2         | : Mr.V.Lingaraj                                      |



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### **ORDER**

The Criminal Original Petition has been filed to quash the FIR in Crime No.152 of 2022 on the file of 1<sup>st</sup> respondent on the basis of the compromise entered into between the parties.

2. Heard the learned counsel appearing for the petitioners, the learned counsel appearing for the second respondent and the learned Government Advocate (Criminal Side) appearing for the first respondent police.

3. Based on the complaint given by the de facto complainant/second respondent, a case in Crime No.152 of 2022 was registered against the petitioners on 19.06.2022 for the offences under Sections 406, 426, 447 and 506(2) IPC.

4. The learned counsel for the petitioners submits that the defacto complainant is the brother of the 1<sup>st</sup> petitioner. Due to family dispute between the siblings with respect to immovable property, the defacto complainant lodged a complaint against his own brother and his family members. Now the parties have arrived to a amicable settlement between them and they have also filed affidavits of compromise to that effect. Hence,



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he seeks to quash the First Information Report as against the petitioners.

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5. The petitioners and the de-facto complainant/second respondent are present before this Court and they were identified by their respective counsel as well as by Mr.Mahalingam, Sub Inspector of Police, R3-Ashok Nagar Police Station, Chennai.

6. On being enquired by this Court, the de facto complainant stated that he has amicably settled the dispute with the petitioners and not willing to pursue the criminal proceedings and he has no objection to quash the same. The petitioners and the defacto complainant have also filed affidavits of compromise to that effect.

7. The main issue that requires the consideration of this Court is as to whether this Court can quash the criminal proceedings involving non-compoundable offences pending against the petitioners. 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



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by this Court while exercising its jurisdiction under Section 482 of Cr.P.C/528 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. Further, the Hon'ble Supreme Court in *K.Bharthi Devi v. State of Telengana* reported in (2024) 10 SCC 384, has held that the offences, which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions, where the wrong is basically to the victim, and the offender and the victim have settled all the disputes between them amicably, can be quashed by the High Court in exercise of its



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jurisdiction under Section 482 Cr.P.C.

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9. In view of the above, the First Information Report in Crime No.152 of 2022 dated 19.06.2022 pending on the file of the first respondent, is quashed as against the petitioners. The affidavits filed by the petitioners and the second respondent for compromising the offences shall form part of the record.

10. Accordingly, this Criminal Original Petition is allowed.

**04.09.2025**

*ksa-2*

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

**To**

1. The Inspector of Police  
R-3 Ashok Nagar Police Station, Chennai
2. The Public Prosecutor,  
High Court of Madras.



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**N. SATHISH KUMAR, J.**

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