



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. 23787 of 2025

1. Parthipan

2. Kishore

Petitioner(s)

Vs

1. The State Rep by,
The Inspector of Police,
B-1, North beach Police Station,
Chennai.

2. Yuvaraj

Respondent(s)

PRAYER

This Criminal Original Petition has been filed under Section 528 of BNSS to call for the records in crime No. 253/2025, on the file of the respondent police B-1, North beach police station, Chennai and quash the same against this petitioner/ Accused.

For Petitioner(s): Mr. V. Karthick

For Respondent(s): Mr.R.Vinothraja,
Govt. Advocate (crl.side)
for R1

Mr. M.Illiyas
for R2



ORDER

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The Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.253 of 2025, pending on the file of the first respondent, on the basis of the compromise arrived at between the petitioners and the de facto complainant/second respondent.

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 respondents.

3. The allegation against the petitioners is that on 20.07.2025, they unlawfully restrained the defacto complainant and his sister, abused them in filthy language, assaulted him on the head with bike key and further criminally intimidated him by threatening with dire consequences.

4. The petitioners have stated that they have settled the dispute with the de facto complainant amicably and hence, seek to quash the First Information



Report as against them. They have also filed a Joint Compromised Affidavit executed between petitioners and the second respondent to that effect.

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5. The petitioners and the de-facto complainant/R2 appeared before this Court and were identified by their respective counsel.

6. On being enquired by this Court, the de facto complainant stated that he has amicably settled the dispute with the petitioners and he is not willing to pursue the the criminal proceedings and therefore, seeks to quash the same.

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 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

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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 jurisdiction under Section 528 of BNSS.

9. In view of the above, this Criminal Original Petition is allowed. The First Information Report in Crime No.253 of 2025 pending on the file of the first respondent, is quashed as against the petitioners. The Joint Compromised affidavit filed by the petitioners and the second respondent for compromising the offences shall form part of the record.

29-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

mrp

To

The Inspector of Police,
B-1, North beach Police Station,
Chennai.



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