



Crl.O.P.No.25736 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Crl.O.P.No.25736 of 2025

1.S.Sowmith
2.S.Madhavan
3.T.Gokul Srinivasan
4.S.Praveen Kumar

... Petitioners

Vs.

1.The State represented by
Inspector of Police,
J-13 Taramani Police Station,
Chennai.

2.M.Mukesh

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita to call for the records in Crime No.212 of 2024 on the file of the 1st respondent Police J-13 Taramani Police Station, Chennai, for the offences under Sections 296(B), 115(2), 351(2) of BNS and quash the proceedings pending against the petitioners.

For Petitioners : Mr.V.Dinesh

For R1 : Mr.R.Vinothraja,
Government Advocate (Crl. Side)



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For R2

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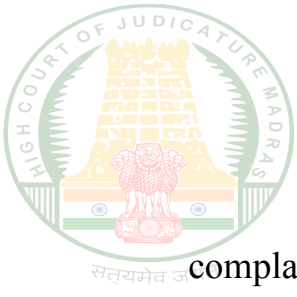
Mr.C.Praveenkumar

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ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.212 of 2024 on the file of the 1st respondent Police, registered against the petitioners for the offences under Sections 296(b), 115(2) and 351(2) BNS, based on the compromise arrived at by the petitioners and the 2nd respondent/*de facto* complainant.

2.It is the case of the *de facto* complainant that the *de facto* complainant and the petitioners are friends and they are students of a same Law College. When the *de facto* complainant was at home, the petitioners and other seniors of the College came to the house of the *de facto* complainant and asked him to bring tobacco and they also forced him to do so. When he refused, they threatened him. When the *de facto* complainant complained about this to other senior college students, they strictly advised the petitioners not to involve in such activities. Keeping that in mind, on 19.09.2024, when the *de facto* complainant was on his way to home, the petitioners abused him and assaulted him, due to which, he was admitted in hospital. Even after few days, the petitioners called upon the *de facto*

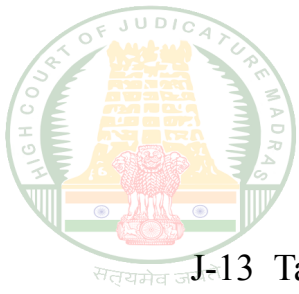


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complainant to come to Food Street and they abused him in a filthy language and ragged him and intimidated him with dire consequences. Hence, the *de facto* complainant lodged a complaint with the 1st respondent Police. Based on the complaint, the present FIR came to be filed in Crime No.212 of 2024 as against the petitioners and others for the offences under Sections 296(b), 115(2) and 351(2) BNS. Now, the same is sought to be quashed based on the compromise arrived at between the petitioners and the *de facto* complainant.

3.Learned counsel for the petitioners would submit that the petitioners have settled the dispute with the *de facto* complainant amicably and hence, seeks to quash the First Information Report as against them. A Joint Memo of Compromise has been executed between the petitioners and the 2nd respondent to that effect.

4.Heard the learned counsel on either side. The petitioners/accused are present before this Court. The *de facto* complainant/2nd respondent is also present before this Court today and they are identified by their respective counsel as well as by Mr.P.Tamilselvan, Sub-Inspector of Police,



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J-13 Taramani Police Station, Chennai, who is also present before this Court.

5. 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 criminal proceedings and therefore, seeks to quash the FIR.

6. Now, the main issue that requires the consideration of this Court is as to whether this Court can quash the criminal proceedings involving non-compoundable offence pending against the petitioners, based on a compromise. 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 the High Court while exercising its jurisdiction under Section 482 of Cr.P.C./Section 528 BNSS, to quash non-compoundable offence(s). One very important test that has been laid down is that the Court must necessarily examine as to whether the crime in



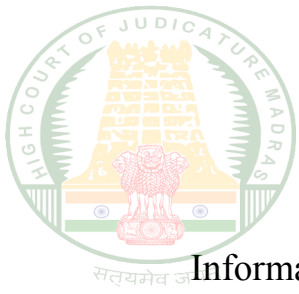
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question is purely individual in nature or a crime against the society with overriding public interest. The Hon'ble Supreme Court has held that offences against the society with overriding public interest even if it gets settled between the parties, cannot be quashed by this Court.

7.However, in the present case, the wrong is basically to the victim and the offenders and the victim have now settled all the disputes between them amicably. Further, the petitioner as well as the *de facto* complainant have filed separate affidavits to the effect that they have entered into this compromise to ensure a well-being and peaceful future. In view of the unambiguous statements given by both the parties, this Court is of the view that the continuation of criminal proceedings will not serve any purpose and it would only prolong distress for all concerned, especially when the *de facto* complainant has specifically mentioned that he desires to move forward with a peaceful life and to avoid any further harassment or distress caused by the ongoing legal proceedings. Therefore, this Court is inclined to quash the FIR in exercise of its jurisdiction under Section 528 of BNSS.

8.Accordingly, this Criminal Original Petition is allowed and the First



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Information Report in Crime No.212 of 2024 on the file of the 1st respondent Police, as against the petitioners, for the offences under Sections 296(b), 115(2) and 351(2) of BNS, is quashed. The Joint Memo of Compromise filed by the petitioners and the 2nd respondent and the individual affidavits filed by the petitioners and the 2nd respondent shall form part of the records.

19.09.2025

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Internet : Yes

Index : Yes / No

Speaking order : Yes / No

Neutral Citation : Yes / No

To

1.The Inspector of Police,
J-13 Taramani Police Station,
Chennai.

2.The Public Prosecutor,
High Court, Madras.

N. SATHISH KUMAR, J.

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