



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-09-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 25959 of 2025

1. M.Mohammed Arif

S/o. M.L.Mohammed Abdul Kadar,
No.59/39, Danapal Nagar 3rd Street,
New Washermenpet, Chennai - 600081.

2. M.Mukesh

S/o. Muthupandian, No.5/50, Thirumala
Puram, Vadaku Panavadali,
Sankarankoil Taluk, Tenkasi - 627953.

3. R.Easwar

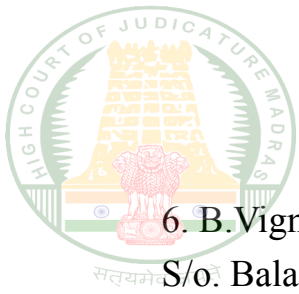
S/o. M.Raghu, No.82/117, Dr.
Ambedkar Nagar, 2nd Street,
Ayanavaram, Chennai - 600023.

4. G.Sreedhar

s/o. Gomathi Janarthanan, No.551-D18,
shanmuga Nagar Thiruvengadam main
Road, Tirunelveli, Tamilnadu - 627756.

5. R.K.Parasu Rama Krishnan

S/o. R.Karuppasamyraju, 1/40, Mela
Theru, Kappullngampatti, Thoothukudi,
Tamilnadu - 628714.



6. B.Vignesh Krishna

S/o. Bala Subramanian, Plot No.1,
Gokul Nagar , Thirumalpuram Post,
Oomachikulam, Madurai - 625014.

Petitioner(s)

Vs

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

2.S.Sowmith
S/o. Suri, No.11/41, Kattu Kollai 2nd
Street, Gummudipoondi, Tamilnadu -
601201.

Respondent(s)

PRAYER

This Criminal Original Petition is filed under Section 528 of BNSS, to call for the records in Crime No. 193/2024 on the file of the Respondent police J-13 Taramani Police Station, Chennai for the offences U/s 191(2), 126(2), 296(b), 118(1), 117(2) of BNS Act, 2023 and to quash the proceedings pending against the petitioner.

For Petitioner(s): Mr.V.Dinesh

For Respondent(s): Mr.K.M.D.Muhilan
Additional Public Prosecutor
For R1
Mr.K.Manoj Sankar For R2



ORDER

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This Criminal Original Petition has been filed to call for the records in Crime No. 193/2024 on the file of the respondent police J-13 Taramani Police Station, Chennai for the offences U/s 191(2), 126(2), 296(b), 118(1), 117(2) of BNS Act, 2023 and to quash the proceedings pending against the petitioners.

2. Heard the learned counsel for the petitioners, the learned counsel for the second respondent and the learned Additional Public Prosecutor appearing for the first respondent-Police and perused the materials available on record.

3. It is the case of the prosecution that due to dispute arose between the petitioners and the *defacto* complainant, the petitioners abused the *defacto* complainant and assaulted him. Based on the complaint given by the *defacto* complainant/second respondent herein as against the accused persons who are the petitioners herein, a case in Crime No.193 of 2024 has been registered by the first respondent-Police for the offences under Sections U/s 191(2), 126(2), 296(b), 118(1), 117(2) of BNS Act, 2023.

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 Memo of Compromise 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 as well as by Mr.J.Thirunavukkarasu, Sub Inspector of Police, J13, Tharamani 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 he is not willing to pursue the the criminal proceedings and he has also filed an affidavit with regard to the same and seeks to quash the F.I.R.

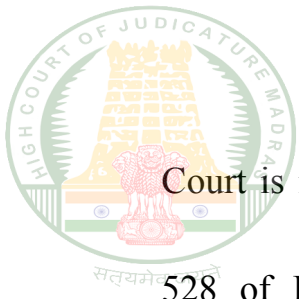
7. The main issue that requires the consideration of this Court is as to whether this Court can quash the criminal proceedings involving non-compoundable offences pending against the petitioners. The Hon'ble Supreme Court in the case of ***Parbathbhai Aahir @ Parbathbhai Vs. State of Gujarath***, reported 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



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exercising its jurisdiction under Section 482 of Cr.P.C, 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. However, in the present case, the wrong is basically to the victim. The offenders and the victim have now settled the disputes between them amicably. Further, the petitioners 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. In the present case, the offences in question are purely

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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.

9. In view of the above, this Criminal Original Petition is allowed. The First Information Report in Crime No.193 of 2024 pending on the file of the first respondent-Police, is quashed as against the petitioners. The Joint Memo of Compromise filed by the petitioners and the second respondent and the individual affidavits filed by the petitioners and the 2nd respondent for compromising the offences shall form part of the record.

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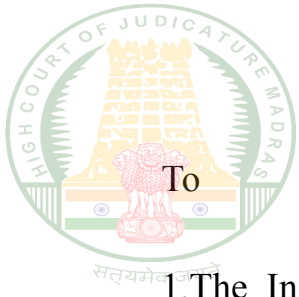
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

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

2. The Public Prosecutor,
High Court, Chennai.



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N.SATHISH KUMAR J.

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