



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-09-2025

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THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 24845 of 2025

1. Kathiravan

S/o. Dhamodharan,

2. Kirubanithi

S/o.Nagarajan,

3. Muthamizhselvan

S/o. Nagarajan,

4. Nagarajan

S/o. Sabapathi,

5. Muthamizhselvi @ Sumathi

W/o. Nagarajan

6/ Krishnaveni

W/o. Velusamy,

7. Dinesh @ Thinesh

S/o. Nagarajan,

Petitioner(s)

Vs

1. The State rep by

Inspector of Police

2.Prakash

S/o. Manoharan,

Respondent(s)



PRAYER

This Criminal Original Petition has been filed under Section 438 of BNSS to call for the records and quash the FIR In Crime No.201 of 2022 on the file of the Puthur Police Stations as against the Petitioners.

For Petitioner(s): Mr. M. Ragul Kousik

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

Mr.V.Sujan,
for R2

ORDER

This Criminal Original Petition has been filed to quash the Crime No.201 of 2022 pending on the file of the first respondent for the offence under sections 147, 148, 341, 294(b), 324, and 307 of IPC.

2. The complaint has been lodged by the second respondent. The crux of the allegation is that due to previous enmity, the petitioners unlawfully assembled with an intention of murdering the 2nd respondent/defacto complainant, abused him in filthy language, assaulted him with an the iron rod and thereby caused grievous injuries to him.



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3. The petitioners and the de-facto complainant/R2 appeared before this Court and they were identified by their respective counsel as well as Mr. R.Soundararajan, Special Sub Inspector, Puthur, Police Station, Cuddalore District.(Mobile No.94981 55012).

4. The defacto complainant himself appeared before this Court and stated before this Court that during the pendency of the above proceedings, all the disputes and differences between him and petitioners have been amicably settled and hence, he does not want to proceed with the criminal proceedings. He has also filed a Joint Memo of Compromise entered between himself and the petitioners to that effect.

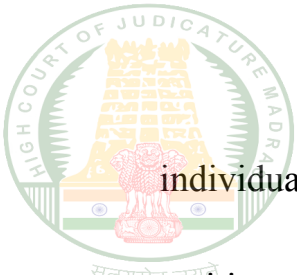
5. The learned Additional Public Prosecutor appearing on behalf of the first respondent submitted that though the parties entered into a compromise while this case is pending, this Court, taking into account the seriousness of the offence has to consider the issue as to whether an offence of this nature can be quashed on the ground of compromise between parties.



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6. 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 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 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.

7. In the present case, the offences in question are purely



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individual/personal in nature. It involves personal 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.68 of 2023 pending on the file of the first respondent in exercise of its jurisdiction under Section 528 of BNSS.

8. Accordingly, both the Criminal Original Petitions are allowed and the First Information Report registered in Crime No.201 of 2022 pending on the file of the first respondent, is quashed. The Joint Memo of Compromise filed by the petitioners and the second respondent for compromising the offences shall form part of the records.

10-09-2025

Neutral Citation: Yes/No
mrp



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N.SATHISH KUMAR J.

mrp

To
The Inspector of Police,
Puthur Police Station,
Cuddalore District. Tamil Nadu.

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