



WEB COPY

CRL OP No. 25389 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-09-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 25389 of 2025

Thilak
C/o.Sekar, No.164/15,
Kayithe Millath street,
MMDA Colony, Arumbakkam,
Chennai, Tamil Nadu - 600 106.

Petitioner(s)

Vs

1. The State Rep. by
The Inspector of Police,
K-8 Arumbakkam police station,
Chennai. (Cr.No.135/2025)

2.Goutham
S/o.Gandhi Raj,
No.432, N-Block, Gandhi Nagar, New
Avadi Road, ICF Colony, Chennai,
Tamil Nadu - 600 038.

Respondent(s)

PRAYER

This Criminal Original Petition is filed under Section 528 of BNSS to call for the records in Crime No.135 of 2025 on the file of the Inspector of Police, Arumbakkam police station, Chennai and quash the same.



WEB COPY

CRL OP No. 25389 of 2025



For Petitioner(s): Mr.R.Mukesh Kannah

For R1 Mr.R.Vinoth Raja
Government Advocate (Crl.Side)

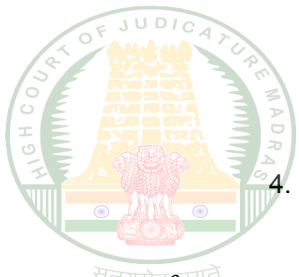
Petitioners & R2 Appeared in person

ORDER

This Criminal Original Petition has been filed to call for the records in Crime No.135 of 2025 on the file of the Inspector of Police, Arumbakkam Police Station, Chennai and to quash the same.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent-Police and perused the materials available on record.

3. The case of the prosecution is that the petitioner/accused waylaid the second respondent/defacto complainant and assaulted him. Based on the complaint given by the complainant/second respondent herein as against the accused/ the petitioner herein, a case in Crime No.135 of 2025 has been registered by the first respondent-Police for the offences under Sections 296(b), 115(2), 351(2) BNS on 25.3.2025.



4. The petitioner has stated that he has settled the dispute with the *de facto* complainant amicably and hence, seek to quash the First Information Report as against him. They have also filed a Joint Memo of Compromise executed between petitioner and the second respondent to that effect.

5. The petitioner and the de-facto complainant/R2 appeared before this Court and were identified by their respective counsel as well as by Mr.R.Babu, Sub Inspector of Police, K-8 Arumbakkam Police Station, Chennai.

6. On being enquired by this Court, the *de-facto* complainant stated that he has amicably settled the dispute with the petitioner 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 said 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 petitioner. The Hon'ble Supreme Court in the case of *Parbathbhai Aahir @ Parbathbhai Vs. State of Gujarat* 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



WEB COPY

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.

8. However, in the present case, the wrong is basically to the victim. The offender 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



WEB COPY

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 individual/personal in nature. It involves dispute between the petitioner 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.135 of 2025 pending on the file of the first respondent-Police, is quashed as against the petitioner. The Joint Memo of Compromise filed by the petitioner and the second respondent for compromising the offences and the individual affidavits filed by the petitioner and the 2nd respondent shall form part of the record.

17-09-2025

mfa

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

WEB COPY

1. The Inspector of Police,
K-8 Arumbakkam police station,
chennai. (Cr.No.135/2025)

2. The Public Prosecutor,
High Court, Chennai.



WEB COPY

CRL OP No. 25389 of 2025



N.SATHISH KUMAR J.

ma

**CRL OP No. 25389 of
2025**

17-09-2025