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CRL OP No. 25192 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-09-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 25192 of 2025

Karthik

Petitioner(s)

Vs

1. The State Rep by,
The Inspector of Police,
Arambakkam Police Station,
Tiruvallaur.

2.Saravanan

Respondents

PRAYER

This Criminal Original Petition is filed under Section 528 of BNSS, to call for the records in Cr.No.137/2025 pending on the file of 1st respondent police and quash the same.

For Petitioner(s): Mr.K.Senthlinaathan

For Respondent(s): Mr.R.Vinoth Raja



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Government Advocate (Crl.Side)
For R1

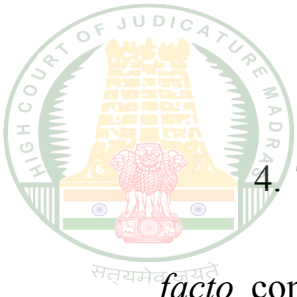
Mr.R. Vivekananthan for R2

ORDER

This Criminal Original Petition has been filed to call for the records in Cr.No.137/2025 pending on the file of first respondent police and quash the same.

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

3. Based on the complaint given by the complainant/second respondent herein as against the petitioner herein, a case in Crime No.137 of 2025 has been registered by the first respondent-Police for the offences under Sections 296(b), 118(1) and 351(3) of BNS.



4. The petitioner has stated that he has settled the dispute with the *de facto* complainant amicably and hence, seeks to quash the First Information Report as against him. He has 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.G.Devan, SSI of Police, F3, Arambakkam Police Station, Tiruvallur.

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 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

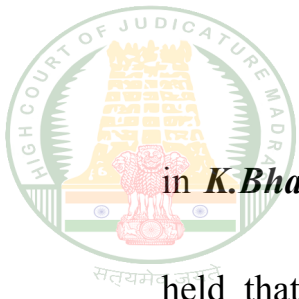


Court in the case of *Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath*,

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 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. 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 482 Cr.P.C.

9. In view of the above, this Criminal Original Petition is allowed. The First Information Report in Crime No.137 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 shall form part of the record.

12-09-2025

(2/2)

mfa

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

1. The State Rep by, The Inspector of
Police,
Arambakkam Police Station,
Tiruvallaur. Cr.No.137/2025.

2. The Public Prosecutor.
High Court, Chennai.



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CRL OP No. 25192 of 2025



N.SATHISH KUMAR J.

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**CRL OP No. 25036 of
2025**

12-09-2025