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CRL OP No. 26412 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-10-2025

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THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 26412 of 2025

1. Dhilipan @ Dhilipkumar
2. Guna
3. Suresh @ Baba
4. Pradeep
5. Elangovan
6. Kannan

Petitioner(s)

Vs

1. State rep. by
The Inspector of Police,
Paramathi Police Station,
Namakkal District.

2. Boopathi

Respondent(s)



PRAYER This Criminal Original Petition is filed under Section 528 of BNSS, to call for the entire records in connection with the impugned FIR in Crime No. 99/2025 on the file of the first respondent-Police and to quash the same, on the ground of compromise.

For Petitioner(s): Mr.M.Vijayaragavan

For R1 Mr.K.M.D.Muhilan
Additional Public Prosecutor

R2 Appeared in person

ORDER

This Criminal Original Petition has been filed to call for the entire records in connection with the impugned FIR in Crime No. 99/2025 on the file of the first respondent-Police and to quash the same, on the ground of compromise.

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

3. It is the case of the *defacto* complainant that on 02.06.2025, the first petitioner drove his vehicle in a rash and negligent manner and when the same was questioned by the defacto complainant, wordy quarrel was arose between



them. Later, the petitioner along with others, came to the occurrence place and attacked the defacto complainant and his family members with hands and caused injuries to them and further used filthy language and threatened with dire consequences.

3. Based on the complaint given by the defacto complainant, the first respondent-Police registered a case in Crime No.99 of 2025 as against the accused persons for the offences under Sections 191(2), 296(b), 115(2) and 351(2) of BNS.

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.

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.K.Sivakumar, SSI, Paramathi Police Station, Namakkal District.

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.

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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 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.

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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 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.99 of 2025 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.

09-10-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Inspector of Police,

Paramathi Police Station,

Namakkal District.

2. The Public Prosecutor,

High Court, Chennai.



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N.SATHISH KUMAR J.

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