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CRL OP No. 26415 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-10-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 26415 of 2025

1. Boopathi
2. Senthil
3. Poovarasan

Petitioner(s)

Vs

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

2. Pradeep

Respondent(s)

For Petitioner(s): M.Vijaya Ragavan

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. 100 of 2025 on the file of the first respondent-Police and to quash the same, on the ground of compromise.



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For R1

Mr.K.M.D.Muhilan
AdditionalPublic Prosecutor

R2

Appeared in person

ORDER

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. 100 of 2025 on the file of the first respondent-Police and to quash the same, on the ground of compromise.

2. It was brought to the notice of this Court that during the pendency of this petition, investigation was completed and final report was filed on the file of the learned Judicial Magistrate, Paramathi, Namakkal District in STC No.344 of 2025.

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



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4. It is the case of the *defacto* complainant that due to previous enmity between the petitioners and the *defacto* complainant, on 04.06.2025, the petitioners came to the occurrence place, picked up a wordy quarrel with the *defacto* complainant and attacked him with hands and further scolded him with filthy language.

5. Based on the complaint given by the *defacto* complainant, the first respondent-Police registered a case in Crime No.100 of 2025 as against the accused persons for the offences under Sections 296(b), 115(2) and 351(2) of BNS.

6. 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.

7. 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.



8. 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.

9. 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

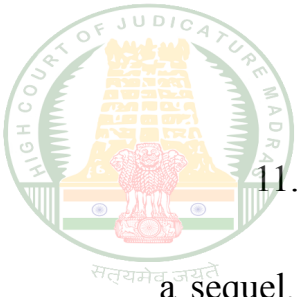


quashed by this Court.

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10. 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 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.



11. In view of the above, this Criminal Original Petition is allowed and as a sequel, the proceedings in STC No.344 of 2025 on the file of the Judicial Magistrate, Paramathi, Namakkal District, is quashed. 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

(2/2)

mfa

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Judicial Magistrate, Paramathi,
Namakkal District.

2. The Inspector of Police, Paramathi
Police Station, Namakkal District.
Crime No.100 of 2025

3. The Public Prosecutor,
High Court, Chennai.



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N.SATHISH KUMAR J.

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