



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-10-2025

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CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 25233 of 2025

1. Pakkiri Alias Pakkirisamy
2. Veeramani
3. Prabhu @ Babu
4. Sekar
5. Govindasamy @ Satcha
6. Ravi
7. Raja
8. Murugan
9. Natarajan
10. Kuttiyandi
11. Sekar
12. Kandan
13. Raji
14. Shankar

Petitioner(s)



Vs

1. The Inspector of Police,
Killai Police Station, Killai, Cuddalore
District. Crime No.83/2019

2.Kumar

Respondent(s)

PRAYER

This Criminal Original Petition has been filed under 528 of BNSS to call for the records relating to the case in S.C.No.167 of 2024 pending trial on the file of the II Additional District and Sessions Court, Chidambaram, Cuddalore District and Quash the same.

For Petitioner(s): Mr. K.G.Senthil Kumar

For Respondent(s): Mr. KM.D.Muhilan,
Additional Public Prosecutor,
for R1
C.Ayyaparaj,
For R2

ORDER

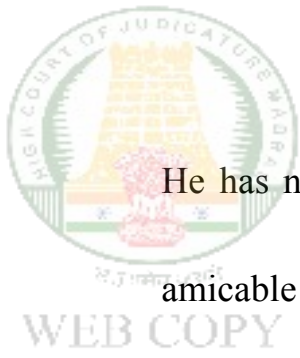
This Criminal Original Petition has been filed to quash the S.C.No.167 of 2024 pending on the file of the II Additional District and Sessions Court, Chidambaram, Cuddalore District.



2. The complaint has been lodged by the second respondent. The crux of the allegation is that on 29.07.2019, while the de facto complainant/second respondent and others were clearing the fishing nets, the petitioners, who had unlawfully assembled with deadly weapons, came in a fibre boat, abused the de facto complainant and others in a filthy language, threatened them with dire consequences, poured petrol over the de facto complainant/second respondent's boat and two other fibre boats, fishing nets and GPS Trackers and set them on fire , thereby causing damage to the tune of Rs.75 lakhs.

3. The petitioners and the de facto complainant/R2 appeared before this Court and they were identified by their respective counsel as well as by Mr. S. Vinayaga Moorthi, G1-2137, Killai Police Station (Mobile No.94981 21242).

4. The de facto complainant/second respondent stated before this Court that he had lodged the complaint in the heat of the moment, under a sense of pressure and due to the circumstances prevailing at the relevant point of time.



He has now amicably settled the dispute with the petitioners. In view of the amicable settlement arrived at between the petitioners and the de facto complainant/second respondent, the de facto complainant has expressed that he does not desire to proceed further with the criminal proceedings.

5. The petitioners and the de facto complainant/second respondent have also filed a Joint Memo of Compromise entered into between themselves to that effect.

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 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 the 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 individual/personal in nature. It involves the private 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 S.C.No.167 of 2024 pending on the file of the II Additional District and Sessions Court, Chidambaram in exercise of its jurisdiction under Section 528 of BNSS.



8. Accordingly, this Criminal Original Petition is allowed and the charge sheet in in S.C.No.167 of 2024 pending on the file of the II Additional District and Sessions Court, Chidambaram, is quashed. The Joint Memo of Compromise filed by the petitioners and the de facto complainant/second respondent for compromising the offences shall form part of the records.

23-10-2025

Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No

mrp

To

1. The II Additional District and Sessions Court,
Chidambaram.
2. The Inspector of Police,
Killai Police Station, Killai,
Cuddalore District.
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

mrp

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