



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-09-2025

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THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 26436 of 2025

AND

CRL MP NO.17970 of 2025

1. Kesavan

S/o. Panchanathan, Residing at
No.1/188, Abdul Kalam Street, Karanai,
Thazhambur, Thiruporur Taluk,
Chengalpattu, Tamilnadu - 600130.

2. Manikandan

S/o. Kesavan, Residing at No.4/458,
Gangaiyamman Kovil Street, Thaiyur,
Thiruporur Taluk, Chengalpattu,
Tamilnadu - 603110.

Petitioner(s)

Vs

1. The State, Represented by
The Inspector of Police
T-19, Kelambakkam Police Station,
Pallikaranai, Chennai - 603103. (FIR
No.75/2025)



2.Mari

S/o. Vedachalam, Residing at Door
No.2/611, Padavettamman Kovil Street,
Kannapuram, Kolathur Village,
Vandalur Taluk, Chengalpattu,
Tamilnadu - 603107.

Respondent(s)

PRAYER

This Criminal Original Petition is filed under Section 528 of BNSS, to call for the records pertaining to proceedings in CC.No.111/2025, on the file of the Learned District Munsif Cum Judicial magistrate Court, Thiruporur and to quash the same.

For Petitioner(s): Mr.G.Gokul

For Respondent(s): Mr.R.Vinoth Raja
Government Advocate (Crl.Side)
for R1
R2 appeared in person.

ORDER

This Criminal Original Petition has been filed to call for the records pertaining to proceedings in CC.No.111/2025, on the file of the District Munsif Cum Judicial Magistrate Court, Thiruporur and to quash the same.

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



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3. The allegations against the accused in the final report made in Cr.No.75 of 2025 is that the defacto complainant's father who died in an accident that had occurred during the course of employment in the petitioners' company "M/s.Big Laundry". The accused persons, who are the petitioners herein have not given adequate protective gear to the deceased, while cutting tree, due to which, the deceased was electrocuted.

4. After completion of investigation, the first respondent-Police filed a charge sheet and the same was taken on file in CC.No.111/2025, on the file of the District Munsif Cum Judicial Magistrate Court, Thiruporur .

5. The petitioners along with the second respondent/de-facto complainant has filed Joint Compromise Memo, wherein it has been stated that they have amicably settled the issues between themselves and hence, seek to quash the case in CC.No.111/2025, on the file of the Learned District Munsif Cum Judicial Magistrate Court, Thiruporur

6. Mr.V.Malaiselvam, Sub Inspector of Police, T-19, Kelambakkam Police Station, Chennai was present before this Court and he informed this Court that the defacto complainant and the petitioners had approached him and informed



that since they have amicably settled the dispute between them and they do not want to proceed further with the criminal proceedings.

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7. The defacto complainant is also present before this Court at the time of hearing. This Court enquired the defacto complainant and he had stated that they had amicably settled the dispute between themselves and he is not willing to proceed with the criminal proceedings and seeks to quash the same.

8. The learned Government Advocate (Crl.Side) appearing on behalf of the first respondent-Police submitted that though the parties entered into a compromise while this case is pending, this Court, taking into account the nature of the offence, has to consider the issue as to whether an offence of this nature can be quashed on the ground of compromise between the parties.

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



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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.

10. However, in the present case, the wrong is basically to the victim. The offenders and the victim's family have now settled all 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 CC 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 defacto complainant 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, it is seen that sufficient compensation was provided and job has also given to the son of the deceased in the same company, by the petitioners herein.

11. In view of the above, this Court is inclined to quash the Final Report filed in the case in CC.No.111/2025, on the file of the District Munsif Cum Judicial Magistrate Court, Thiruporur in exercise of its jurisdiction under Section 528 of BNSS.

12. Accordingly, this Criminal Original Petition is allowed and the case in CC.No.111/2025, on the file of the District Munsif Cum Judicial Magistrate Court, Thiruporur, is quashed as against the petitioners. The Joint Compromise Memo filed by the petitioners and the second respondent for compromising the



offences and the individual affidavits filed by the petitioners and the 2nd

respondent shall form part of the records. Consequently, connected

miscellaneous petition is closed.

25-09-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The District Munsif Cum Judicial
Magistrate, Thiruporur,

2. The Inspector of Police
T-19, Kelambakkam Police Station,
Pallikaranai, Chennai - 603103. (FIR
No.75/2025)

2. The Public Prosecutor,
High Court, Chennai.



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