



WEB COPY

CRL OP No. 26633 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-09-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 26633 of 2025

1. Mohammed Ali @ Alibhai
2. Sadam Hussain @ Sadam
3. Abdul Samad @ Abdul

Petitioner(s)

Vs

1. The State Rep by,
The Inspector of Police,
M-3, Puzhal Police Station,
Chennai.

2. Gunanithi

Respondent(s)

PRAYER

To call for the records in Cr.No.809/2024, on the file of respondent police M-3, Puzhal Police Station, Chennai and quash the same.



WEB COPY

CRL OP No. 26633 of 2025



For Petitioner(s): Mr.M.Illiyas

For Respondent(s): Mr.R.Vinothraja,
Govt. Advocate (Crl. Side),
for R1
R2-appeared in person

ORDER

This Criminal Original Petition has been filed to quash the Crime No. 809 of 2024 pending on the file of the first respondent for the offences under sections 191(2), 191(3), 296(b), 115(2), 118(1), 351(3) of BNS Act.

2. It is the case of the prosecution that on 11.10.2024 around 23.00 p.m., the petitioners attacked one Nagaraj, who is a neighbour to the de-facto complainant. When the de-facto complainant tried to stop the petitioners, they also attacked the defacto complainant. Meanwhile, the petitioners called other accused through phone and they also came to the place of occurrence and abused the defacto complainant with filthy language and threatened him with dire consequences. Hence, he made a complaint to the respondent Police and an FIR came to be registered in Crime No.809 of 2024.



WEB COPY

3. The petitioners have stated that the petitioners and the second respondent/defacto complainant amicably settled the issues between themselves and hence, seeks to quash the Final Report as against the petitioners. The petitioners also filed a Joint Memo of Compromise executed between the petitioners and the second respondent.

4. Mr.S.Muthuramalingam, Sub Inspector of Police, Puzhal Police Station, was present before this Court and informed that the defacto complainant and the petitioners had approached him and informed that since they have amicably settled the dispute between them, they do not want to proceed further with the criminal proceedings.

5. The defacto Complainant and the petitioners are present before this Court at the time of hearing. This Court enquired the defacto complainant and he stated that he had amicably settled the dispute with the petitioners and he is not willing to proceed with the the criminal proceedings and seeks to quash the same.



WEB COPY

6. The learned Government Advocate (Crl. Side) appearing on behalf of the first respondent submitted that though the parties entered into a compromise while this case is pending, this Court, taking into account the seriousness 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 parties.

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 petitioner. 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 528 of BNSS Act, 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 offence in question is 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. In view of the above, this Court is inclined to quash the First Information Report registered in Crime No.809 of 2024 pending on the file of the first respondent in exercise of its jurisdiction under 528 of BNSS Act.

9. Accordingly, this Criminal Original Petition is allowed and the First Information Report registered in Crime No.809 of 2024 pending on the file of the first respondent, is quashed as against the petitioners. The Joint Memo of



Compromise filed by the petitioners and the second respondent for compromising the offences shall form part of the records.

WEB COPY

26-09-2025

pvs

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



CRL OP No. 26633 of 2025



To
WEB COPY

The Inspector of Police,
M-3, Puzhal Police Station, Chennai.



WEB COPY

CRL OP No. 26633 of 2025



N.SATHISH KUMAR J.

pvs

**CRL OP No. 26633 of
2025**

26-09-2025