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CRL OP No. 26423 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-09-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 26423 of 2025

and

CRL MP NO.17956 of 2025

1. T.Gandhi

S/o.Thangavel, No.1/55, Mandaveli
Street, Keerambadi Village, Arcot
Taluk, Ranipet District-632 506.

Petitioner(s)

Vs

1. The State Rep by,
The Inspector of Police,
Valapandal Police Station,
Ranipet District. Cr.No.151/2018.

2.Subramani

S/o.Thangavel,
No.1, Bajanai Kovil Street, Irungur
Colony, Arcot Taluk, Ranipet District.

Respondent(s)

PRAYER

This Criminal Original Petition is filed under Section 528 of BNSS, to call for the records in CC No.53/2025 pending on the file of the District Munsif - cum - Judicial Magistrate, Arcot and to quash the same.



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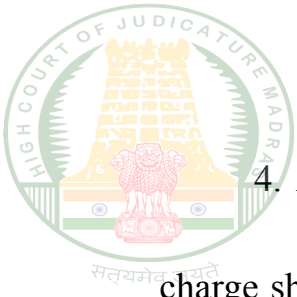
For Petitioner(s): Mr.G.Meganathan
For R1: Mr.R.Vinoth Raja,
Government Advocate (Crl.Side)
R2 Appeared in person

ORDER

This Criminal Original Petition has been filed to call for the records in CC No.53/2025 pending on the file of the District Munsif - cum - Judicial Magistrate, Arcot and to quash the same.

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

3. The allegations against the accused in the final report made in Cr.No.151 of 2018 is that the petitioner and the defacto complainant are brothers. Dispute arose between them with regard to construction of a house, for which, the petitioner abused the defacto complainant in filthy language and assaulted him.



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4. After completion of investigation, the first respondent-Police filed a charge sheet and the same was taken on file in CC No.53/2025 pending on the file of the District Munsif - cum - Judicial Magistrate, Arcot.

5. The petitioner along with the second respondent/defacto 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.53/2025 pending on the file of the District Munsif - cum - Judicial Magistrate, Arcot.

6. Mr.Ravichandran, SSI, Valapanthal Police Station, Ranipet District was present before this Court and he informed this Court that the defacto complainant and the petitioner 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.

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.



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8. The learned Government Advocate (Criminal 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 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 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 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. Further, the Hon'ble Supreme Court in *K.Bharthi Devi v. State of Telengana* reported in (2024) 10 SCC 384, has held that the offences, which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions, where the wrong is basically to the victim, and the offender and the victim have settled all the disputes between them amicably, can be quashed by the High Court in exercise of its jurisdiction under Section 482 Cr.P.C. In the present case, the offences in question are purely individual/personal in nature. It involves dispute between the petitioner 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.

11. In view of the above, this Court is inclined to quash the Final Report filed in the case in CC No.53/2025 pending on the file of the District Munsif - cum - Judicial Magistrate, Arcot in exercise of its jurisdiction under Section 482 of Cr.P.C.



12. Accordingly, this Criminal Original Petition is allowed and the case in

CC No.53/2025 pending on the file of the District Munsif - cum - Judicial

Magistrate, Arcot, is quashed as against the petitioner. The Joint Compromise

Memo filed by the petitioner and the second respondent for compromising the

offences shall form part of the records. Consequently, connected miscellaneous

petition is closed.

25-09-2025

mfa

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The District Munsif - cum - Judicial
Magistrate, Arcot

2 The Inspector of Police,
Valapandal Police Station, Ranipet
District.

3. The Public Prosecutor,
High Court, Chennai.



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