



Crl.O.P.No.26936 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.No.26936 of 2025

1. Vijayakumar @ Vijay

2. Gowthaman @ Gowtham

3. Saravanan

... Petitioners

Vs.

1. The State rep. by
The Inspector of Police
Kuthalam Police Station
Mayiladuthurai

2. Packirisamy

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to Crime No.127 of 2024 on the file of the 1st respondent police, compromise and quash the same.

For Petitioners : Mr.U.Kathiravan

For R1 : Mr.R.Vinothraja
Government Advocate (Crl. Side)

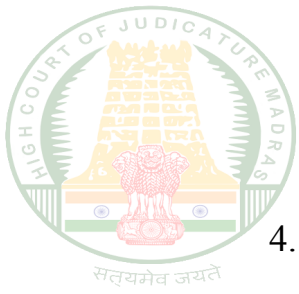


ORDER

WEB COPY The Criminal Original Petition has been filed to quash the First Information Report in Crime No.127 of 2024 dated 25.04.2024 registered for the offences under Sections 294(b), 324, 448, 427, 506(2) of IPC, on the file of the 1st respondent police, on the basis of compromise entered into between the parties.

2. Based on the complaint lodged by the de facto complainant/second respondent alleging that on 23.04.2024 there was a dispute between the first petitioner and the de facto complainant in respect of spitting in front of de facto complainant's shop and in continuation of the same, on 24.04.2024, the 1st petitioner along with the petitioners 2 and 3 and yet another accused, attacked the de facto complainant with rod and also damaged his house windows and tube lights, the FIR in Crime No.127 of 2024 came to be registered on 25.04.2024.

3. The learned counsel for the petitioners submits that now the parties have arrived to an amicable settlement between them and a Joint Compromise Memo signed by both the parties has also been filed to that effect. Hence, he seeks to quash the First Information Report as against the petitioners.



4. The petitioners and the de-facto complainant/second respondent appeared before this Court in person and they were identified by the learned counsel for the petitioners as well as by Mr.R.Rajaraman, Kuthalam Police Station.

5. On being enquired by this Court, the de facto complainant/second respondent stated that he has amicably settled the dispute with the petitioners and not willing to pursue this criminal proceedings and has no objection to quash the same. He has filed an affidavit to that effect and a Joint Compromise Memo signed by both the parties has also been filed.

6. 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 Gujrat***, 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/528 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



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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 dispute between the petitioner 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.

8. In view of the above, the First Information Report in Crime No.127 of 2024 dated 25.04.2024, pending on the file of the first respondent, is quashed as against the petitioners. The affidavit dated 22.09.2025 filed by the second respondent/defacto complainant and the Joint Compromise Memo signed by both the parties for compromising the offences, shall form part of the record.

9. Accordingly, this Criminal Original Petition is allowed.

07.10.2025

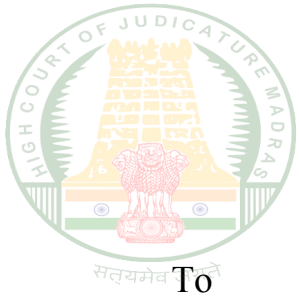
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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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To
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1. The Inspector of Police
Kuthalam Police Station
Mayiladuthurai
2. The Public Prosecutor,
High Court of Madras.



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N. SATHISH KUMAR, J.

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