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Crl.OP.No.30734 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2025

CORAM:

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.No.30734 of 2025

N. Prawin

...Petitioner

Vs.

1. State of Tamil Nadu
Rep. By The Sub Inspector of Police,
Aliyar Police Station,
Coimbatore District.

2. Ajay Rathinam @ Ajay Prasad

...Respondents

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023 to direct the respondents to quash the proceedings in S.T.C.No.429 of 2024 on the file of the Judicial Magistrate No.II, Pollachi and quash the same.

For Petitioner : Mr.M.Varun Pandian

For R1 : Mr.K.M.D.Muhilan
Government Advocate (Crl. Side)

For R2 : Mr.G.Ajay Raj



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ORDER

This Criminal Original Petition has been filed to quash S.T.C.No.429 of 2024 for the offences under Sections 279 and 338 of IPC pending on the file of the Judicial Magistrate No.II, Pollachi and quash the same.

2. The petitioner has filed an affidavit and he, along with the second respondent, has filed a Memorandum of Understanding, wherein, it has been stated that the petitioner and the second respondent, have amicably settled the issue between themselves and hence, seek to quash the Final Report.

3. Mr.P.S.Subbiah, Sub Inspector of Police Aliyar Police Station, Ph.No.9498178522, was present before this Court and he informed this Court that de facto complainant and the petitioner have approached him and informed him that since they have amicably settled the dispute between them, they do not want to proceed further with the criminal proceedings.



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4. The de facto Complainant had appeared before this Court. This Court enquired the de facto complainant and he 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.

5. 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.

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 petitioner. The Hon'ble Supreme Court in the case of *Parbathbhai Aahir @ Parbathbhai Vs. State of Gujarat*, reported in (2017) 9 SCC 641 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



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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 they get 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 de facto 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.

8. In view of the above, this Court is inclined to quash the Final Report filed in the case in S.T.C.No.429 of 2024, pending on the file of the learned Judicial Magistrate No.II, Pollachi, in exercise of its jurisdiction under Section 482 of Cr.P.C.



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9. Accordingly, this Criminal Original Petition is allowed and the

case in S.T.C.No.429 of 2024, pending on the file of the learned Judicial Magistrate No.II, Pollachi, is quashed on condition that the petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) as costs to the Tamil Nadu State Legal Services Authority (TNSLSA), High Court Campus, Chennai 600 104, within a period of two (2) weeks from the date of receipt of a copy of this order. The affidavit and the Memorandum of Understanding filed by the petitioner and the second respondent for compromising the offences shall form part of the records.

17.11.2025

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Index	: Yes/No
Speaking order	: Yes/No
NCC	: Yes/No



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A.D.JAGADISH CHANDIRA, J.

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To:

1. The Sub Inspector of Police,
Aliyar Police Station,
Coimbatore District.
2. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.

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