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Crl.O.P.No.29380 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2025

CORAM:

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

Crl.O.P.No.29380 of 2025

and

Crl.M.P.No.20005 of 2025

Sathishkumar @ Sathish

... Petitioner

Vs.

1. State of Tamil Nadu,
represented by its
Inspector of Police,
Namakkal Police Station,
Namakkal District.

2. T.Arichandran,
S/o Thangavel

... Respondents

Criminal Original Petition filed under Section 528 of Bharathiya
Nagarik Suraksha Sanhita, 2023, to call for the records relating to FIR in
Crime No.0488/2025 on the file of the first respondent police and quash the
same based on the Joint Compromise Affidavit dated 17.10.2025.

For petitioner : Mr.S.Arivazhagan

For R1 : Mr.E.Raj Thilak

Addl. Public Prosecutor



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ORDER

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2. The learned counsel for the petitioner submitted that during the visit of the petitioner's political party leader's visit to Namakkal, certain persons who had gathered to see him, had climbed on a billboard belonging to a hospital and caused damage to the billboard and other properties of the said hospital; though the petitioner was not directly involved in the offence, he has been implicated in the offence since he happened to be the organiser of the party; however, on behalf of the political party, the petitioner has compensated the loss caused to the hospital and the de facto complainant also has agreed to compromise the matter; when the matter has been compromised, no useful purpose would be served by continuing the investigation. He would further submit that a joint compromise memo also has been filed by the petitioner and the de facto complainant who is the Manager of the hospital.



3. The learned counsel for the de facto complainant submitted that the parties have compromised the matter and the de facto complainant has been duly compensated by the petitioner and they do not want the investigation to be proceeded further.

4. The respondent police have filed a detailed counter. Mr.E.Raj Thilak, learned Additional Public Prosecutor, vehemently opposed this petition stating that in a road show conducted by their leader, the accused had violated the conditions resulting in loss to the properties of the de facto complainant's hospital; apart from the present case, other cases also have been registered against the petitioner and hence, this petition is opposed.

5. The learned counsel for the petitioner, in reply, submitted that the petitioner was not directly involved in the incident and he has been implicated only on account of him being the organiser of the party and as such, criminal liability cannot be fastened upon the petitioner and when the matter has been compromised, the impugned FIR has to be quashed.



6. Heard both sides and perused the materials available on record.

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7. The petitioner and the de facto complainant were present before this Court at the time of hearing and they were identified by their respective counsel and by the Police, viz., Mr.M.Visvanathan, SSI 831, Namakkal Police Station, Namakkal.

8. 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 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.

9. In the present case, by the offence in question, damage has been caused to the de facto complainant's property. Further, as rightly argued by

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the learned counsel for the petitioner, the petitioner has been implicated only owing to the fact that he is the organiser of the party. The offence in question is purely individual and personal in nature and hence, 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 such perspective of the matter, this Court is inclined to quash the First Information Report registered in Crime No.488/2025 pending on the file of the first respondent police in exercise of its jurisdiction under Section 482 of Cr.P.C.

10. In view of the above, the First Information Report in Crime No.0488 of 2025 pending on the file of the first respondent police is quashed as against the petitioner and this Criminal Original Petition is allowed. The joint compromise affidavit dated 22.10.2025 filed by the petitioner and the second respondent/de facto complainant for compromising the offences shall form part of the records. Connected miscellaneous petition is closed.

14.11.2025

vsi/cad

A.D.JAGADISH CHANDIRA, J.

vsi/cad



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To

1. The Inspector of Police,
Namakkal Police Station,
Namakkal District.

2. The Public Prosecutor,
High Court of Madras.

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