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CRL OP No. 30231 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-11-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 30231 OF 2025

1. SANTHOSH

W/o. Murali Mohan, No.13/14,
Veeraraghavalu Nagar, 1st Street
Extension, Kadirvedu, Chennai-
600099.

2. Balaji

S/o. Duraikannan, No.15, Simman
Avenue, Vinayagapuram, Chennai-
600099.

3. Sekar

S/o. Palani, No.15, Simman Avenue,
Vinayagapuram, Chennai.

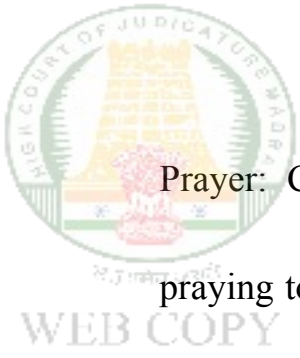
Petitioner(s)

Vs

1. The State of Tamil nadu rep by The
Inspector of Police
M3 Puzhal Police Station, Chennai-
600066 Crime No.1073 of 2021.

2.Chithirai Selvan

...Respondents



Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S.Act,
praying to call for the records connecting with C.C.No.121 of 2022 pending on
the file of the District Munsif cum Judicial Magistrate, Madhavaram and quash
the same.

For Petitioner(s): Mr.P.Arul Prakash

For Respondent(s): Mr.R.Vinothraja,
Government Advocate
(Criminal Side) For R1

Mr.K.Chithiraiselvan
Party-in-person for R2

ORDER

This Criminal Original Petition has been filed to quash C.C. No.121 of 2025, pending on the file of the learned District Munsif cum Judicial Magistrate, Madhavaram, for the offences under sections 448, 294(b), 323, 352 and 506(2) IPC r/w.34 IPC.

2. The allegation against the accused in the Final Report is that in a wordy quarrel, the accused are said to have abused the de facto complainant and threatened him.



3. The petitioners have filed an affidavit and they, along with the second respondent, have filed a Memorandum of Understanding, wherein, it has been stated that the petitioners and the second respondent being residing in same apartment, in order to maintain cordial relationship and for peaceful living in future, decided not to proceed any further with the complaints against each other and have amicably settled the issue between themselves and hence, seek to quash the Final Report.

4. Mr.B.Dhinakaran, Sub Inspector of Police M-3, Puzhal Police Station, Chennai - 600 066, was present before this Court and he informed this Court that the de facto 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 de facto Complainant was also present before this Court at the time of hearing. This Court enquired the de facto 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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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 petitioners. The Hon'ble Supreme Court in the case of *Parbathbhai Aahir @ Parbathbhai Vs. State of Gujarat*, 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 they get settled between the parties, cannot be quashed by this Court.

8. In the present case, the offences in question are purely individual/personal in nature. It involves dispute between the petitioners 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.

9. In view of the above, this Court is inclined to quash the Final Report filed in the case in C.C. No.121 of 2022, pending on the file of the learned District Munsif cum Judicial Magistrate, Madhavaram, in exercise of its jurisdiction under Section 482 of Cr.P.C.



10. Accordingly, this Criminal Original Petition is allowed and the case in C.C. No.121 of 2022, pending on the file of the learned District Munsif cum Magistrate Court, Madhavaram, is quashed on condition that the petitioners shall pay a sum of Rs.5,000/- each (Rupees Five 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 petitioners and the second respondent for compromising the offences shall form part of the records.

06-11-2025

nvsri

To

1.The State of Tamil nadu rep by The
Inspector of Police
M3 Puzhal Police Station, Chennai-
600066 Crime No.1073 of 2021.

2.The Public Prosecutor, Madras High Court, Chennai-600 104.

3.The Secretary, TNSLSA, High Court Campus, Chennai-600 104.



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