



Crl.O.P.No.30670 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2025

CORAM:

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

Crl.O.P.No.30670 of 2025

Yobu,

S/o Thangaraj

... Petitioner

Vs.

State of Tamil Nadu, rep. By

1. The Inspector of Police,
M-5, Ennore Police Station,
Chennai.

(Crime No.4074 of 2020)

2. Anbuselvan,

S/o Chinnapillai.

..Respondents

PRAYER : Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C. to call for the records in C.C.No.190 of 2021 in Crime No.4074 of 2020 pending trial on the file of the Judicial Magistrate at Thiruvottiyur, Chennai and quash the



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same.

For Petitioners : Mr.P.Praveenkumar

For Respondents : Mr.R.Vinothraja

Government Advocate (Crl.Side)

for R1

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.190 of 2021 pending on the file of the learned Judicial Magistrate at Thiruvottiyur, Chennai, in the event of compromise.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the first respondent.

3. Based on the complaint given by the de facto complainant/R2, a case in Crime No.4074 of 2020 was registered for the offences under Sections 147, 148, 341, 294(b), 323, 324 and 506(2) of IPC and altered into



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Section 323 IPC.

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4.Learned counsel for the petitioner would submit that the petitioner has settled the dispute with the de facto complainant amicably and hence, seek to quash the proceedings in C.C.No.190 of 2021 pending on the file of the learned Judicial Magistrate at Thiruvottiyur, Chennai. They have also filed an affidavit and a Joint Memo of Compromise to that effect.

5.The petitioner and the de-facto complainant/R2 appeared before this Court and were identified by their respective counsel as well as by the Police, Ms.D.Sariga, (W Gr.I-15138), M5, Ennore Police Station, Chennai.

6. On being enquired by this Court, the de facto complainant stated that he has amicably settled the dispute with the petitioner and he is not



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willing to pursue the criminal proceedings as against the petitioner and

therefore, seeks to quash the same.

7.The learned Additional Public Prosecutor 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.

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 first petitioner. 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 CrI 10, has given sufficient guidelines that must be taken into consideration by this



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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, the offences in question are purely individual/personal in nature. It involves dispute between the petitioners 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. In view of the above, this Court is inclined to quash the proceedings in C.C.No.190 of 2021 pending on the file of the learned Judicial Magistrate at Thiruvottiyur, Chennai, in exercise of its jurisdiction under Section 482 of Cr.P.C.



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WEB COPY 10. Accordingly, the proceedings in C.C.No.190 of 2021 pending on the file of the learned Judicial Magistrate at Thiruvottiyur, Chennai, is quashed as against the petitioner and this Criminal Original Petition is allowed on condition that the petitioner shall pay a sum of Rs.2,000/- (Rupees Two 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 affidavits and the Joint Memo of Compromise filed by the petitioner and the second respondent for compromising the offences shall form part of this order.

18.11.2025

vsi

Neutral Citation:Yes/No

To

1. The Inspector of Police,
M-5, Ennore Police Station,

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Chennai.

2. The Judicial Magistrate,
Thiruvottiyur, Chennai.

3. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA, J.

vs



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