



Crl.O.P.No.31043 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2025

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CORAM :

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

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R.Jaganathan

... Petitioner

Vs.

1. The State rep. by,
the Assistant Commissioner of Police,
Nallur Range, Nallur.

2. Rangarajan @ Ranganathan

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S, praying to call for the records in Spl.S.C.No.11 of 2025 on the file of the Special Court for Trial of Cases under Scheduled Castes and Scheduled Tribes (PoA) Act, 1989, Tiruppur and to quash the same.

For Petitioner	: Mr.R.Mansoor Ilahi
For Respondents	: Mr.R.Vinothraja, Government Advocate (Crl. Side) for R1 Mr.R.Prabakar for R2

ORDER

This Criminal Original Petition has been filed to quash the proceedings against the Petitioner in Spl.S.C.No.11 of 2025, for the offences under Sections 329(3) and 49 of the Bharatiya Nyaya Sanhita (BNS), 2023 and Section 3(1)(g) and 3(2)(va) of the SC/ST (Prevention of



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Atrocities Act, 1989 on the file of the Special Court for Trial of Cases under Scheduled Castes and Scheduled Tribes (PoA) Act, 1989, Tiruppur on the ground of compromise.

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2. The case of the prosecution is that the Petitioner who is the second accused, knowing the fact that the second respondent is the absolute owner of the property, fraudulently got a power of attorney in his favour through one T.Meenakshisundaram (second accused) and based on which, the petitioner along with others had trespassed into the de facto complainant's property situated at Chinnasemmedu, Tiruppur Town and damaged its fencing and iron gate. Hence, the complaint.

3. The learned counsel for the Petitioner submitted that the proceedings in respect of the co-accused viz., T.Meenakshisundaram has been quashed in view of the compromise arrived at between the parties vide order of this Court dated 26.09.2025 in Crl.O.P.No.26719 of 2025. He further submitted that the parties have entered into a compromise between themselves. The de facto complainant / second respondent has no grievance as against the Petitioner and to that effect, a Memo of Compromise dated, 02.11.2025, has also been filed.



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4. The Petitioner and the de facto complainant were present before this Court at the time of hearing and they were identified by their respective counsels and by Mr.M.Mohan, SSI, Nallur Police Station, Tiruppur City.

5. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6. The learned Government Advocate (Crl. Side) appearing on behalf of the respondent-Police 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 Petitioner. The Hon'ble Supreme Court, in the case of ***Parbathbhai Aahir @ Parbathbhai Vs.***



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State of Gujrat, 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./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 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 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.

9. In view of the above, this Court is inclined to quash the proceedings against the Petitioner in Spl.S.C.No.11 of 2025 on the file of Special Court for Trial of Cases under Scheduled Castes and Scheduled Tribes (PoA) Act, 1989, Tiruppur, in exercise of its jurisdiction under Section 482 of Cr.P.C./528 BNSS.



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10. Accordingly, this Criminal Original Petition is allowed and the proceedings in Spl.S.C.No.11 of 2025, on the file of Special Court for Trial of Cases under Scheduled Castes and Scheduled Tribes (PoA) Act, 1989, Tiruppur, is quashed, as against the Petitioner.

13.11.2025

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes / No
vum

To:

1. The Assistant Commissioner of Police,
Nallur Range, Nallur.
2. The Special Court for Trial of Cases
under Scheduled Castes and Scheduled
Tribes (PoA) Act, 1989, Tiruppur.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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