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Crl.O.P.No.32634 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2025

CORAM:

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.32634 of 2025 and
Crl.M.P.No.22673 of 2025

Sathish

... Petitioner

Vs.

1. The State represented by
The Inspector of Police,
TIW Police Station
Koyambedu
Chennai District

2. Shankar

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of B.N.S.S. to call for the records in C.C.No.400 of 2025 on the file of the learned Judicial Magistrate No.II, Poonamallee and quash the charge sheet and all further proceedings arising out of Crime No.121 of 2025 in C.C.No.400 of 2025 pending before the learned Judicial Magistrate No.II, Poonamallee in view of the compromise arrived at between the parties.

For Petitioner	: Mr.S.Saranraj
For R1	: Mr.K.M.D.Muhilan
	Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to call for the records in C.C.No.400 of 2025 on the file of the learned Judicial Magistrate No.II,



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Poonamallee filed for the offences under sections 281, 125(b) and 106 of BNS, 2023 and quash the charge sheet and all further proceedings arising out of Crime No.121 of 2025 in C.C.No.400 of 2025 pending before the learned Judicial Magistrate No.II, Poonamallee on the ground of compromise.

2. The learned counsel for the petitioner submitted that the parties have compromised the matter and that the de facto complainant has no objection in quashing the criminal proceedings against the petitioner. He further submitted that the parties have filed the affidavits to that effect.

3. The petitioner and the de facto complainant/second respondent, were present before this Court at the time of hearing and they were identified by their respective counsel and by Ms.Nirmala, SSI, Koyambedu Traffic Investigation.

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

5. The learned Additional Public Prosecutor appearing on behalf of the respondent-Police submitted that though the parties entered into a



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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./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.

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



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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 proceedings against the petitioner in C.C.No.400 of 2025, on the file of the learned Judicial Magistrate No.II, Poonamallee in exercise of its jurisdiction under Section 482 of Cr.P.C./528 BNSS.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings against the petitioner in C.C.No.400 of 2025, on the file of the learned Judicial Magistrate No.II, Poonamallee, is quashed subject to condition that the petitioner shall pay costs of Rs.5,000/- to the credit of Tamil Nadu State Legal Services Authority within a period of two weeks from the date of receipt of a copy of this order.

10. Consequently, the connected Miscellaneous Petition is closed. The affidavits signed by the parties for compromising the offences shall form part of the records.

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Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No

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A.D.JAGADISH CHANDIRA J.

shl

To

1. The Judicial Magistrate-II,
Poonamallee.
2. The Inspector of Police,
TIW Police Station
Koyambedu
Chennai District
3. The Public Prosecutor,
High Court of Madras, Chennai.

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