



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-11-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 31396 of 2025

AND

CRL OP NO. 31398 OF 2025

CrI.O.P.No.31396 of 2025

1. ROSEKUMAR

S/o.Pandiyan No.97/142 , Dr.Ambedkar
Street, Tiruvannamalai Town,
Tiruvannamalai District

2. Sudhakar

S/o.Murugan No.103/2020 , Avalurpet
Road, Tiruvannamalai Town,
Tiruvannamalai District

Petitioner(s)

Vs

1. State of Tamilnadu rep by the

Inspector of Police

Tiruvannamalai Town Police Station,

Tiruvannamalai District

Cr.No.778/2023

2.Appas

S/o.Sowkath Ali, No.12/55, New

Vanniyakula 1st Street, Tiruvannamalai



Town, Tiruvannamalai District-606 601

Respondent(s)

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CRL OP No. 31398 of 2025

1. APPAS

S/o.Sowkath Ali, No.12/55, New
Vanniyakula, 1st Street, Tiruvannamalai
Town, Tiruvannamalai District-606 601

2.Jawahar @ Jawahar Ali

S/o.Sowkath Ali, No.12/55, New
Vanniyakula 1st Street, Tiruvannamalai
Town, Tiruvannamalai District-606 601

Petitioner(s)

Vs

1. State of Tamilnadu rep by the
Inspector of Police
Tiruvannamalai Town Police station
Tiruvannamalai District

2.Rose Kumar

S/o.Pandiyan No.97/142, Ambedkar
Street. Tiruvannamalai
town, Tiruvannamalai District-606 601

Respondent(s)

PRAYER in CRL OP No. 31396 of 2025: The criminal original petition filed under Section 528 of BNSS Act, to call for the entire records connected with charge sheet in CC.No.196 of 2024 on the file of the learned Judicial Magistrate-I, Tiruvannamalai and quash the same.

PRAYER in CRL OP No. 31398 of 2025: The criminal original petition filed



under Section 528 of BNSS Act, to call for the entire records connected with charge sheet in CC.No.1082 of 2025 on the file of the Learned Judicial Magistrate -I, Tiruvannamalai and quash the same.

CRL OP No. 31396 of 2025

For Petitioner(s): Mr.G.Balamanikandan

For Respondent(s): Mr.R.Vinothraja
Govt. Advocate (Crl.Side) for R1

Mr.E.Sathiyaraj for R2

CRL OP No. 31398 of 2025

For Petitioner(s): Mr.E.Sathiyaraj

For Respondent(s): Mr.R.Vinothraja
Govt. Advocate (Crl.Side) for R1

Mr.G.Balamanikandan for R2

COMMON ORDER

These Criminal Original Petitions have been filed to quash C.C. Nos.196 of 2024 & 1082 of 2025 respectively pending on the file of the learned Judicial Magistrate – I, Tiruvannamalai for the offences under sections 294(b), 323, 324, 506(ii) and 326 IPC.

2.The allegation against the accused is that there was a dispute during the purchase of crackers and the accused persons in both the cases are said to have



abused each other, during which incident, two persons sustained injuries.

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3. The petitioners in both cases have filed an affidavit and they, along with the second respondent in both cases, have filed a Joint Compromise Memo, wherein, it has been stated that the petitioners and the second respondent in both cases, on the advice of their elders, have amicably settled the issue between themselves and hence, seek to quash C.C.Nos,196 of 2024 & 1082 of 2025.

4. Mr.S.Thiyakarajan, Spl. Sub Inspector of Police, Tiruvannamalai Town Police Station, Tiruvannamalai, was present before this Court and he informed this Court that the de facto complainant and the petitioners in both cases 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 in both cases were also present before this Court at the time of hearing. This Court enquired the de facto complainants and they had stated that they had amicably settled the dispute between themselves



and they are not willing to proceed with the criminal proceedings and seeks to quash the same.

6. The learned Government Advocate (Crl.Side) appearing on behalf of the first respondent in both the cases 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. There is a case in counter case.

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**, 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 case in C.C. Nos. 196 of 2024 & 1082 of 2025, pending on the file of the learned Judicial Magistrate I, Tiruvannamalai, in exercise of its jurisdiction under Section 482 of Cr.P.C.



10. Accordingly, these Criminal Original Petitions are allowed and the case in C.C. Nos.196 of 2024 & 1082 of 2025, pending on the file of the learned Judicial Magistrate I, Tiruvannamalai, are quashed on condition that the petitioners shall pay a sum of Rs.5,000/- in each case (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 Joint Compromise Memos filed by the petitioners and the second respondent in both the cases for compromising the offences shall form part of the records.

18-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

sms

To

1. The Inspector of Police



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Tiruvannamalai Town Police Station,
Tiruvannamalai District
Cr.No.778/2023

CRL OP Nos. 31396 & 31398 of 20



2.The Public Prosecutor
High Court, Madras.

A.D.JAGADISH CHANDIRA J.

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