



CrI.O.P.No.31537 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2025

CORAM:

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

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1. Irban @ Mohaideen Irfan
S/o Mohammed Bilal

2. Joemellton @ Joe Milton
S/o Lawrence

3. Damotharan,
S/o Anandan

... Petitioners

Vs.

1. The State of Tamil Nadu rep.
by The Inspector of Police,
Foreshore Estate Police Station,
Chennai District.
(Crime No.80/2025)

2. Riyas @ Riyazath Ali,
S/o Mehaboobasha

..Respondents

PRAYER : Criminal Original Petition is filed under Section 528 of



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Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C. to call for the records and quash the proceedings in C.C.No.2152 of 2025 pending on the file of the XXIII Metropolitan Magistrate Court, Saidapet in the event of compromise.

For Petitioners : Mr.P.Muthamizhselvakumar

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.2152 of 2025 pending on the file of the XXIII Metropolitan Magistrate Court, Saidapet, in the event of compromise.

2. Heard the learned counsel appearing for the petitioners 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



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case in Crime No.80 of 2025 was registered for the offences under Sections

296(b), 118(1), 351(3) of BNS, 2023.

4.Learned counsel for the petitioners would submit that the petitioners have settled the dispute with the de facto complainant amicably and hence, seek to quash the proceedings in C.C.No.2152 of 2025 pending on the file of the XXIII Metropolitan Magistrate Court, Saidapet, ,Chennai. They have also filed an affidavit and a Joint Memo of Compromise to that effect.

5.The petitioners and the de-facto complainant/R2 appeared before this Court and were identified by their respective counsel as well as by the Sub Inspector of Police, Ms.R.Rajeswari, E5 Pattinapakkam, Police Station, Chennai.

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



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willing to pursue the criminal proceedings as against the petitioners 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 Court while exercising its jurisdiction under Section 482 of Cr.P.C, to quash



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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.2152 of 2025 on the file of the XXIII Metropolitan Magistrate Court, Saidapet, Chennai, in exercise of its jurisdiction under Section 482 of Cr.P.C.

10. Accordingly, the proceedings in C.C.No.2152 of 2025 pending



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WEB.COM on the file of the XXIII Metropolitan Magistrate Court, Saidapet, Chennai,

is quashed as against the petitioners and this Criminal Original Petition is allowed on condition that the petitioners shall jointly pay a sum of Rs.15,000/- (Rupees Fifteen 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 petitioners and the second respondent for compromising the offences shall form part of this order.

19.11.2025

vsi

Neutral Citation: Yes/No

To

1. The Inspector of Police,
Foreshore Estate Police Station,
Chennai District.

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2. XXIII Metropolitan Magistrate Court,
Saidapet, Chennai.

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3. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA, J.

vsi

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