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CrI.O.P.No.32299 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2025

CORAM:

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

CrI.O.P.No. 32299 of 2025

&

CrI.M.P.No. 22406 of 2025

Anees Raja

... Petitioner

Vs.

1.The State Rep by
Inspector of Police,
Virugambakkam Police Station,
Chennai District.

2.S.Shankar

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, to call the records and quash the proceedings in CC.No.1708 of 2025, pending on the file of the XXIII Metropolitan Magistrate Court, Saidapet, Chennai.

For Petitioner : Mr. M.Karthik

For Respondent 1 : Mr. R.Vinothraja
Government Advocate
(Criminal Side)

For Respondent 2 : Mr. Mohanraj



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Crl.O.P.No.32299 of 2025

ORDER

This Criminal Original Petition has been filed to quash the proceeding in CC.No.1708 of 2025, pending on the file of the XXIII Metropolitan Magistrate Court, Saidapet, Chennai.

2. On a complaint lodged by the *de facto* complainant with regard to civil dispute between the petitioner and the *de facto* complainant, an FIR in Cr.No.336 of 2025 for the offences under Section 294 (b), 323 & 506 (I) IPC was registered against the petitioner.

3. The petitioner has filed an affidavit and he, along with the second respondent, have filed a Joint Compromise Memo, wherein, it has been stated that the petitioner and the second respondent, have amicably settled the issue between themselves and hence, seek to quash the proceeding in CC.No.1708 of 2025, pending on the file of the XXIII Metropolitan Magistrate Court, Saidapet, Chennai.



Crl.O.P.No.32299 of 2025

4. Mr.D.Balakumar, Police Constable – 55184, R-5

Virugambakkam Police Station, was present before this Court and he informed this Court that the *de facto* complainant and the petitioner had approached him and informed that since they have amicably settled the dispute between them and they do not want to proceed further with the criminal proceeding.

5. The *de facto* complainant was also present before this Court at the time of hearing. This Court enquired the *de facto* complainant and he had stated that they had amicably settled the dispute between themselves and he is 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 submitted that though the parties entered into a compromise while this case is pending, this Court, taking into account the seriousness of the offences, has to consider the issue as to whether offences of this nature can be quashed on the ground of compromise between parties.



Crl.O.P.No.32299 of 2025

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 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.



Crl.O.P.No.32299 of 2025

WEB COPY

9. In view of the above, this Court is inclined to quash the proceeding in CC.No.1708 of 2025, pending 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, this criminal original petition is allowed and the proceeding in CC.No.1708 of 2025, pending on the file of the XXIII Metropolitan Magistrate Court, Saidapet, Chennai, is quashed on condition that the petitioner shall 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 affidavit and the Joint Compromise Memo filed by the petitioner and the second respondent for compromising the offences shall form part of the records.

27.11.2025

Neutral Citation:Yes/No

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Crl.O.P.No.32299 of 2025

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To

1.The XXIII Metropolitan Magistrate,
Saidapet,
Chennai.

2.The Inspector of Police,
Virugambakkam Police Station,
Chennai District.

3.The Public Prosecutor,
Madras High Court,
Chennai.



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Crl.O.P.No.32299 of 2025

A.D.JAGADISH CHANDIRA, J.

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Crl.O.P.No. 32299 of 2025

27.11.2025