



Crl.O.P.No.31991 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2025

CORAM:

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.31991 of 2025 and

Crl.M.P.No.22157 of 2025

Naveen

... Petitioner

Vs.

1. The State rep by
The Inspector of Police
Avinashipalayam Police Station
Tiruppur District.
(Crime No.153 of 2025)

2. Velusamy

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of B.N.S.S.
to call for the records in C.C.No.529 of 2025 on the file of the Judicial
Magistrate Court, Palladam and to quash the same on the ground of
compromise.



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For Petitioner : Mr.R.Thirumoorthy

For 1st Respondent : Mr.K.M.D.Muhilan
Additional Public Prosecutor

For 2nd Respondent : Mr.Soundar



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ORDER

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This Criminal Original Petition has been filed to quash the proceedings in C.C.No.529 of 2025, for the offences under Sections 281 and 106(1) of BNS, 2023 on the file of the learned Judicial Magistrate, Palladam, Tiruppur District on the ground of compromise.

2. The allegation in the final report is that on the date of incident, the petitioner had driven an Eicher vehicle in a rash and negligent manner and hit the de facto complainant's son, which resulted in the death of his son.

3. Mr.Thirumurthy, learned counsel appearing for the petitioner would submit that there is no mistake on the part of the petitioner and the accident has occurred due to the negligence by the victim who was riding the motor cycle. He further submitted that though the father has given a complaint, after coming to know that his own son is also responsible for the accident, he had filed an affidavit stating that the deceased also has



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contributed to the accident. The petitioner has also paid an amount of

Rs.15,00,000/- to the 2nd respondent/de facto complainant as compensation.

4. Mr.Sounthar, learned Counsel appearing for the second respondent/de facto complainant would submit that the second respondent/de facto complainant had given a complaint based on which the case was registered. However, on enquiry, the second respondent/de facto complainant came to know that there was contributory negligence on the part of his son. Hence, the petitioner and de facto complainant entered into a compromise and a joint memo of compromise has been filed.

5. The petitioner and the de facto complainant/2nd respondent, were present before this Court at the time of hearing and they were identified by their respective counsel and by Mr.S.T.M.Vijayaragavan, Head Constable, Avinashi Palayam Police Station, Tiruppur.

6. This Court also enquired both the parties and is satisfied that the



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parties have come to an amicable settlement between themselves.

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7. The learned Government Advocate (Crl. Side) appearing on behalf of the first 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.

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 petitioners. The Hon'ble Supreme Court, in the case of ***Parbathbhai Aahir @ Parbathbhai Vs. 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

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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 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.

10. In view of the above, this Court is inclined to quash the proceedings against the petitioner in C.C.No.529 of 2025, on the file of the Judicial Magistrate Court, Palladam, in exercise of its jurisdiction under Section 482 of Cr.P.C./528 BNSS.

11. Accordingly, this Criminal Original Petition is allowed and the



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proceedings against the petitioner in C.C.No.529 of 2025, on the file of the

learned Judicial Magistrate, Palladam is quashed. Consequently, the connected Miscellaneous Petition is closed. The Joint Memorandum of Compromise signed by the parties dated 17.11.2025, for compromising the offences shall form part of the records.

25.11.2025

shl

Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No

To

- 1.The Judicial Magistrate,
Palladam.
2. The Inspector of Police
Avinashipalayam Police Station
Tiruppur District.
3. The Public Prosecutor,
High Court of Madras, Chennai



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A.D.JAGADISH CHANDIRA J.

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