



WEB COPY

CRL OP No. 32628 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-12-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 32628 of 2025

1. Imran Ali @ Karuvadu @ Imran

2. Mohammed Sardar @ Sardar

Petitioners

Vs

1. State rep by
the Inspector of Police
H-1, Washerment Police Station,
Chennai.

2.Shaina

Respondent(s)

PRAYER Criminal Original Petition filed under Section 528 of B.N.S.S, to call for the records in Cr.No.628 of 2025 on the file of the respondent police H-1, Washermenpet Police Station, Chennai and quash the same against this Petitioners/Accused.

For Petitioners: Mr.M.Illiyas

For Respondent(s): Mr.S.Santhosh,
Government Advocate (Crl. Side) for R1



ORDER

This Criminal Original Petition has been filed to quash the F.I.R against the Petitioners in Crime No.628 of 2025, for the offences under Sections 191(2), 296(b), 115(2), 118(1), 351(3) of BNSS and Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015, before the first respondent Police on the ground of compromise.

2. The case of the prosecution is that due to previous enmity, the petitioners are alleged to have attacked the victim who is a minor on his head on 30.10.2025. Hence, the complaint.

3. The learned counsel for the Petitioners submitted that the parties have entered into a compromise between themselves. The de facto complainant / second respondent has no grievance as against the Petitioners and to that effect, a Memo of Compromise dated 18.11.2025, has also been filed.

4. The Petitioners and the de facto complainant were present before this Court at the time of hearing and they were identified by their respective counsel and by Mr.T.Christopher Raj, SSI 36882, H1 Washermenpet Police Station, Chennai.



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

6. The learned Government Advocate (Crl. Side) appearing on behalf of the 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 offences, has to consider the issue as to whether offences of this nature can be quashed on the ground of compromise between parties.

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 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 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 FIR against the Petitioners in Crime No.628 of 2025, on the file of the first respondent Police, in exercise of its jurisdiction under Section 482 of Cr.P.C./528 BNSS.

10. Accordingly, this Criminal Original Petition is allowed and the FIR in Crime No.628 of 2025, on the file of the first respondent police, is quashed, as against the Petitioners, subject to condition that the Petitioners shall pay costs of Rs.5,000/- (Rupees Five Thousand Only) each to the credit of Tamil Nadu State Legal Services Authority, Madras High Court campus, Chennai 600 104, on or before 17.12.2025.

11. The Memo of Compromise dated 18.11.2025, filed by the parties for compromising the offences shall form part of the records. Consequently, connected miscellaneous petition is closed.



12. Post the matter on 05.01.2026 “for reporting compliance.”

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01-12-2025

Note: Issue order copy on 12.12.2025

vum

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

To

1.State rep by the Inspector of Police
H-1, Washerment Police Station,
Chennai

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



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A.D.JAGADISH CHANDIRA J.

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