



CrI.O.P.No.33346 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2025

CORAM:

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

CrI.O.P.No.33346 of 2025

1. Gopinath
2. Ajithkumar
3. Lokesh @ Logeshkumar
4. Hariharan
5. Srinivasan

... Petitioners

Vs.

The State rep by
The Sub-Inspector of Police
Arcot Town Police Station
Ranipet District
Crime No.240 of 2025

2. Jai Aakash

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, to call for the entire records connected with the impugned First Information Report in Crime No.240 of 2025 pending investigation on the file of the 1st respondent police.

For Petitioners : Mr.G.Balamanikandan

For R1 : Mr.K.M.D.Muhilan

Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed to call for the entire records connected with the impugned First Information Report in Crime No.240 of 2025 registered against the petitioners for the offences under sections 191(2), 126(2), 296(b), 115(2), 118(1) and 351(3) of BNS, 2023 pending investigation on the file of the first respondent police.

2. The learned counsel for the petitioners and the de facto complainant would submit that now, the parties have amicably settled the dispute between themselves and they have also filed a Joint Memo of Compromise to that effect.

3. The petitioners and the de facto complainant/ second respondent were present before this Court at the time of hearing and they were identified by the learned counsel for the petitioners and by Mr.A.Vikram Rajkumar, HC 381, Arcot Town Police Station.

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

5. The learned Additional Public Prosecutor appearing on behalf of the first respondent police submitted that though the parties entered into a compromise while the investigation is pending, this Court, taking into

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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.

6. 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./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.

7. 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



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in continuing with the criminal proceedings.

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8. In view of the above, this Court is inclined to quash the impugned First Information Report registered against the petitioners in exercise of its jurisdiction under Section 482 of Cr.P.C./528 BNSS.

9. Accordingly, this Criminal Original Petition is allowed and the First Information Report registered against the petitioners in Crime No.240 of 2025, dated 19.05.2025, on the file of the first respondent Police, is quashed subject to condition that the petitioners shall pay costs of Rs.20,000/- (Rupees Twenty Thousand only) jointly, to the credit of 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 Memo of Compromise filed by the petitioners and the second respondent for compromising the offences shall form part of the records.

05.12.2025

Neutral Citation:Yes/No
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A.D.JAGADISH CHANDIRA, J.

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To

1. The Sub-Inspector of Police
Arcot Town Police Station
Ranipet District
2. The Public Prosecutor,
High Court of Madras.

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