



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-12-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 34293 of 2025

and

CRL MP No. 24023 of 2025

Sabarirajan

Petitioner

Vs

1. The State rep.by,
The Inspector of Police
Sathyamangalam Police Station,
Villupuram district.

2.Panchatsaram

Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS to call for the entire records pertaining the case in CC.No.276/2025 u/s.279, 338 and 304 (A) IPC pending on the file of the learned Judicial Magistrate, Gingee and quash the same.

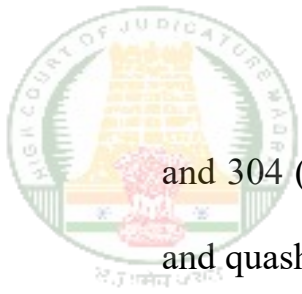
For Petitioner: Mr.Adinarayana Rao

For R1: Mr.K.M.D.Muhilan
Additional Public Prosecutor

For R2: Mr.S.Sathish Kumar

ORDER

This Criminal Original Petition has been filed to call for the entire records pertaining the case in CC.No.276/2025 for the offences under sections 279, 338



and 304 (A) IPC pending on the file of the learned Judicial Magistrate, Gingee and quash the same on the ground of compromise.

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2. The learned counsel for the petitioner submitted that the accident has occurred while the petitioner was driving the car. There was neither rashness nor negligence on the part of the petitioner. However, in the said accident, the wife of the de facto complainant unfortunately passed away. The de facto complainant was not present at the time of occurrence. However, upon being informed by the police, he lodged a complaint. Subsequently, upon realizing that there was no rashness or negligence on the part of the petitioner, the de facto complainant has agreed to withdraw the complaint against the petitioner. It was further submitted that the petitioner is the nephew of the de facto complainant and he does not want to pursue the case any further against him.

3. The learned counsel for the petitioner submitted that the parties have compromised the matter and that the de facto complainant has no objection in quashing the criminal proceedings against the petitioner. He further submitted that the de facto complainant has filed an affidavit to that effect.

4. The petitioner and the de facto complainant/second respondent, were present before this Court at the time of hearing and they were identified by their respective counsels.



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

6. The learned Additional Public Prosecutor appearing on behalf of the respondent police submitted that though the parties have 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 petitioner. 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 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.

9. In view of the above, this Court is inclined to quash the proceedings against the petitioner in C.C.No.276 of 2025, on the file of the learned Judicial Magistrate, Gingee in exercise of its jurisdiction under Section 482 of Cr.P.C./528 BNSS.

10. Accordingly, this Criminal Original Petition is allowed and the proceedings against the petitioner in C.C.No.276 of 2025, on the file of the learned Judicial Magistrate, Gingee is quashed. Consequently, the connected Miscellaneous Petition is closed. The affidavit signed by the de facto complainant for compromising the offences shall form part of the records.

19-12-2025

shl

Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No



To

1. The Judicial Magistrate,
Gingee
2. The Inspector of Police
Sathyamangalam Police Station,
Villupuram district.
3. The Public Prosecutor
High Court of Madras



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A.D.JAGADISH CHANDIRA J.

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