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CrI.O.P.No.33916 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2025

CORAM:

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

CrI.O.P.No.33916 of 2025

1. Gunasekaran @ Kathadi
 2. Amalraj
 3. Stephen
 4. Kaviarasan @ Kavi
- ...Petitioners

Vs.

1. The State rep. by Inspector of Police,
Ariankuppam Police Station,
Puducherry.
Crime No.175 of 2025
 2. Deivakumar
- ...Respondents

Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to call for records in connection with Crime No.175 of 2025 pending on the file of the Inspector of Police, Ariankuppam Police Station, Puducherry and quash the same in respect of the Petitioners/Accused No.1 to 4 herein.

For Petitioners : Mr.S.Kartik

For Respondents : Mr.M.V.Ramachandra Murthy,
Public Prosecutor (Puducherry),
Assisted by Mr.A.Alexander, GA, for R1
: Mr.M.A.Sajjad,
for Mr.A.Rajaselvan, for R2



ORDER

The present criminal original petition has been filed seeking to quash the First Information Report in Crime No.175 of 2025, pending against the petitioners, on the file of the first respondent Police, on the basis of the compromise arrived at between the petitioners and the *de facto* complainant/2nd respondent.

2. Heard the learned counsel on either side and perused the materials available on record.

3. Based on the complaint given by the *de facto* complainant/R2, a case in Crime No.175 of 2025 was registered on the file of the first respondent Police against the petitioners for the offences under Sections 3(5), 76, 296 and 351(2) of BNS, 2023.

4. Learned counsel appearing for the petitioners as well as the learned counsel for the 2nd respondent submitted that the parties have now amicably settled the issue among themselves. Hence, they seek to quash the First Information Report as against the petitioners. Affidavits (including the consent affidavit of the victim) and a Joint Memo of Compromise to that effect have also been filed.



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5. The petitioners, the *de facto* complainant/R2 and also the victim appeared before this Court and they were identified by the learned counsel on either side as well as by Mr.P.Mohandass, HC, Ariyankuppam Police Station, Puducherry.

6. On being enquired by this Court, the *de facto* complainant as well as the victim stated that they have amicably settled the dispute with the petitioners and they are not willing to pursue the criminal proceedings and therefore, seeks to quash the same.

7. Learned Public Prosecutor (Puducherry) appearing on behalf of the first respondent submitted that though the parties entered into a compromise, this Court, taking into account the seriousness of the offence, has to consider the issue as to whether offences 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 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. (corresponding to Section 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.

9. In the present case, the offences in question are purely individual/personal in nature. It involves dispute between the petitioners and the second respondent 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. In view of the above, this Court is inclined to quash the First Information Report in Crime No.175 of 2025 pending on the file of the first respondent police, in exercise of its jurisdiction under Section 482 Cr.P.C./Section 528 BNSS.

10. Accordingly, this criminal original petition stands disposed of and the First Information Report in Crime No.175 of 2025 pending on the

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file of the first respondent police is quashed as against the petitioners, on condition that the petitioners shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) each as costs to the Puducherry State Legal Services Authority (UTPLSA), Goubert Avenue, White Town, Pondicherry – 605 001, within a period of two (2) weeks from the date of receipt of a copy of this order.

11. The affidavits, the Joint Memo of Compromise and also the consent affidavit filed by the petitioners, the second respondent and the victim for compromising the offences shall form part of the records.

17.12.2025

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Neutral Citation: Yes/No

To

1. The Inspector of Police,
Ariankuppam Police Station,
Puducherry.
2. The Member Secretary,
The Puducherry State Legal Services Authority (UTPLSA),
High Court Campus, Chennai.
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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