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CrI.OP.No.34174 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2025

CORAM:

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

CrI.OP.No.34174 of 2025

1. Durairaj
  2. Logesh @ Logeshwaran
  3. Nareshkumar
  4. Meganathan
  5. Rithish @ Rithishkrishnan
  6. Abishek @ Abishekkumar
- ...Petitioners

Vs.

1. State of Tamil Nadu,  
Rep. By the Inspector of Police,  
Maraimalai Nagar Police Station,  
Thambaram District.  
(Crime No.105 of 2025)

2. Jaisankar
- ...Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C./528 of BNSS, 2023 to call for the records relating to PRC No.62 of 2025 on the file of the learned Judicial Magistrate No.II, Chengalpet and quash the same as against the petitioners.

For Petitioners : Mr.P.Saravanan

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



CrI.OP.No.34174 of 2025

## **ORDER**

This criminal original petition has been filed seeking to set aside the charge sheet in PRC.No.62 of 2025 on the file of learned Judicial Magistrate No.II, Chengalpet, filed for the offences under Sections 191(2), 296(b), 329(3) and 351(3) of the Bharatiya Nyaya Sanhita (BNS), 2023 and Section 3 of the Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992 on the ground of compromise.

2. Due to a wordy quarrel, the petitioners entered into an apartment where the de facto complainant was working as a Security Guard and hit the barricade which was kept near the entrance of the apartment using a car. Hence, the de facto complainant has given a complaint against the accused.

3. The petitioners have filed an affidavit and they, along with the second respondent, have filed a Memorandum of Compromise, wherein, it has been stated that the petitioners and the second respondent, on the advice of their elders, have amicably settled the issue between themselves and hence, seek to quash the Final Report.



4. Mr.R.Ethiraj, Sub Inspector of Police, T-9, M.M.Nagar Police Station, was present before this Court and he informed this Court that the de facto complainant and the petitioners had approached him and informed him that since they have amicably settled the dispute between them, they do not want to proceed further with the criminal proceedings.

5. The de facto complainant was also present before this Court at the time of hearing. This Court enquired the de facto complainant and he stated that they had amicably settled the dispute between themselves and he is not willing to proceed with the criminal proceedings and hence, seeks to quash the same.

6. The learned Additional Public Prosecutor 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 offences, has to consider the issue as to whether the offences of this nature can be quashed on the ground of compromise between the 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 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, 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 it gets 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.



Crl.OP.No.34174 of 2025

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9. In view of the above, this Court is inclined to quash the Final Report filed in the case in PRC. No.62 of 2025, pending on the file of the learned Judicial Magistrate No.II, Chengalpet, in exercise of its jurisdiction under Section 482 of Cr.P.C.

10. Accordingly, this Criminal Original Petition is allowed and the case in PRC. No.62 of 2025, pending on the file of the learned Judicial Magistrate No.II, Chengalpet, is quashed on condition that the petitioners shall pay a sum of Rs.20,000/- jointly (Rupees Twenty Thousand only) as costs to the 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 Memorandum of Compromise filed by the petitioners and the second respondent for compromising the offences shall form part of the records.

**16.12.2025**

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NCC : Yes/No



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**A.D.JAGADISH CHANDIRA, J.**

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To:

1. The Inspector of Police,  
Maraimalai Nagar Police Station,  
Thambaram District.
2. The Public Prosecutor,  
Madras High Court.
3. The Judicial Magistrate No.II, Chengalpet
4. The Member Secretary,  
The Tamil Nadu State Legal Services Authority (TNSLSA),  
High Court Campus, Chennai.

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