



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-02-2026

CORAM

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

CRL OP No. 2099 of 2026

1. Mohamed Azarudeen @
Mohammad Azharuddin,
S/o. Shahulhameed,
No.2/93, T-Krishnapuram,
Valinokkam Post,
Kadaladi,
Thanichiyam Sikkal,
Ramanathapuram.
Tamil Nadu - 623 528.

2. Syed Ibrahim,
S/o Panj Beer,
No.2/56, T-Krishnapuram,
Valinokkam post,
Kadaladi,
Thanichiyam Sikkal,
Ramanathapuram.

..Petitioner(s)

Vs

1. State rep by,
Inspector of Police,
H-8, Thiruvottiyur Police Station,
Chennai - 600 019.
Crime No.1168 of 2025.

2. Palanivel,
S/o Namashivayam,
No.13/16, Naduthuru,
Kanaiyar Village,
Ullunthurpet Taluk,
Kallakurichi District.

..Respondent(s)



PRAYER: Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to call for the records and quash the FIR registered in Cr.No.1168 of 2025 against the petitioners pending on the file of the 1st respondent Police.

For Petitioner(s): Mr.D.Prasanna Kumar

For Respondent(s): Mr.K.M.D. Muhilan,
Additional Public Prosecutor
for R1

Mr.A.Sakthi Priya
for R2

Order

This Criminal Original Petition has been filed seeking to quash the First Information Report against the petitioners registered in Crime No.1168 of 2025 pending on the file of the 1st respondent Police for the offences punishable under Sections 296(b), 115(2), 117(2) and 351(3) of BNS, 2023.

2.The case of the prosecution is that while the *de facto* complainant was eating, the petitioners who are drivers, came near him and provoked him by speaking in an improper manner. When it was questioned by the *de facto* complainant, both the petitioners are stated to have abused him using filthy language and assaulted him. Due to the said assault, one of the teeth of the *de facto* complainant was broken and when the petitioners allegedly pushed him, he sustained injury on his left hand.



3.The learned counsel appearing for the petitioners as well as for the *de facto* complainant submitted that on the advice of elders, the parties have now amicably settled the issue among themselves. Hence, they seek to quash the First Information Report as against the petitioners. Affidavits and Joint Memo of Compromise to that effect have 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 Ms.G.Vanitha, SI, H8, Thiruvottiyur (Law & Order) Police Station, Thiruvottiyur.

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 Additional Public Prosecutor appearing on behalf of the 1st 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 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 First Information Report against the petitioners registered in Crime No.1168 of 2025 pending on the file of the 1st respondent Police.

10.Accordingly, this Criminal Original Petition is allowed and the First Information Report in Crime No.1168 of 2025 pending on the file of the 1st



respondent Police, is quashed, as against the petitioners on condition that the petitioners pay a sum of Rs.5,000/- (Rupees Five Thousand only) each 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.

11. The Joint Memo of Compromise filed by the petitioners and the 2nd respondent for compromising the offences shall form part of the records.

06-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
MPS

To

1. The Inspector of Police
H-8, Thiruvottiyur Police Station,
Chennai - 600 019.
2. The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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A.D.JAGADISH CHANDIRA J.

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