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Crl. O.P. No.3045 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-02-2026

CORAM

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

Crl. O.P. No.3045 of 2026

Owaes Khan

..Petitioner

Vs

1. The State of Tamilnadu represented by
The Inspector of Police,
TIW - Triplicane Police Station,
Chennai - 600 005.

2. Amirtharaj

..Respondents

Prayer: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita to call for records in Crime No.313 of 2025 pending on the file of the Inspector of Police at TIW - Triplicane Police Station, Chennai and quash the same based on compromise arrived with the *de facto* complainant.

For Petitioner : Mr.K.Kably Taiyab Khan

For Respondents : Mr.S.Santhosh
Government Advocate (Criminal Side)
For R1

Mr.S.Million Daniel
for R2



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ORDER

The present Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.313 of 2025, pending against the petitioner, on the file of the first respondent Police, on the basis of the compromise arrived at between the petitioner and the *de facto* complainant/second respondent.

2. Heard both sides and perused the materials available on record.

3. Based on the complaint given by the *de facto* complainant/R2, the aforesaid case in Crime No.313 of 2025 was registered on the file of the first respondent Police against the petitioner, for the offences under Sections 281 and 125(a) of BNS.

4. Learned counsel appearing for the petitioner 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 petitioner. Affidavits and Joint Memo of Compromise to that effect have also been filed.



5. The petitioner and the *de facto* complainant/R2 appeared before this Court and they were identified by their respective counsel as well as by Mr.V.Maheswaran, HC 30531 D1 T1W 7904258767.

6. On being enquired by this Court, the *de facto* complainant stated that he has amicably settled the dispute with the petitioner and he is not willing to pursue the criminal proceedings and therefore, seeks to quash the same.

7. Learned Government Advocate (Criminal Side) appearing on behalf of the first respondent submitted that though the parties have entered into a compromise while this case is pending, 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 petitioner. 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 cases, the offences in question are purely individual/personal in nature. It involves dispute between the petitioner 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.313 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 stand disposed of and the First Information Report in Crime No.313 of 2025 pending on the file of the first respondent police is quashed as against the petitioner, on condition that the petitioner pays a sum of Rs.5,000/- (Rupees Five 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.

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11. The affidavits and the Joint Memo of Compromise filed by the petitioner and the second respondent for compromising the offences shall form part of the records.

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Index: Yes/No
MRN

- 1.The Inspector of Police,
TIW - Triplicane Police Station,
Chennai - 600 005.
- 2.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

MRN

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