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CRL OP No. 1282 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-01-2026

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

CRL.O.P No. 1282 of 2026

Kavitha
W/o Thiruvassagamurthy

..Petitioner(s)

Vs

1. State Rep.by, The Sub Inspector of Police,
Kurinjipadi Police Station,
Cuddalore District.
Cr.No.43/2021.

2. R. Sathish
S/o. Ramasamy,

..Respondent(s)

Prayer: Criminal Original Petition filed under Section 528 of the BNSS, 2023, seeking to call for the entire records connected with the impugned Criminal Proceedings in CC.No.105/2021 pending on the file of the learned District Munsif cum Judicial Magistrate, Kurinjipadi and quash the same.

For Petitioner(s): Mr.G.Balamanikandan

For Respondent(s): K.M.D.Muhilan
Additional Public Prosecutor - R1

Mr.Sathiyaraj E - R2

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in CC.No.105 of 2021, pending on the file of the learned District



Munsif cum Judicial Magistrate, Kurinjipadi, for the offences under Sections 147, 448, 427, 294(b) & 506(ii) I.P.C. on the basis of the compromise arrived at between the petitioner and the *de facto* complainant / second respondent.

2. The case of the prosecution is that the petitioner along with the other accused, trespassed into the property of the *de facto* complainant, abused and intimidated him and also caused damage to the articles.

4. Learned counsel appearing for the petitioner would submit that the petitioner and the *de facto* complainant are relatives and due to a property dispute and misunderstanding, the case was given. He further submitted that on the advice of elders, the parties have now amicably settled the issue among themselves. Hence, they seek to quash the C.C.No.105 of 2021, pending on the file of the learned District Munsif cum Judicial Magistrate, Kurinjipadi. Affidavits and Joint Memo of Compromise to that effect have also been filed. He would seek that the case may be quashed on the ground of compromise. He would also submit that though other accused are not before this Court, the *de facto* complainant has no objection in the case being quashed in entirety.

5. Mr. E. Sathiyaraj, learned counsel appearing for the *de facto* complainant would submit that the *de facto* complainant has compromised with the petitioner and the other accused and the *de facto* complainant / second



respondent has no objection in the case being quashed in entirety.

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6.The petitioner and the *de facto* complainant/ second respondent appeared before this Court and they were identified by their respective counsels and the *de facto* complainant.

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

8.Learned Additional Public Prosecutor appearing on behalf of the first respondent submitted that the other accused have got previous cases registered for indulging in protest.

9.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.

10. 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 C.C.No.105 of 2021, pending on the file of learned District Munsif cum Judicial Magistrate, Kurinjipadi, in exercise of its jurisdiction under Section 482 Cr.P.C./Section 528 BNSS.

11. This Criminal Original Petition stands disposed of accordingly. The case in C.C.No.105 of 2021, pending on the file of the learned District Munsif cum Judicial Magistrate, Kurinjipadi, is hereby quashed as against the petitioner and also other accused, on condition that the petitioner and other accused shall jointly pay a sum of Rs.50,000/- (Rupees Fifty Thousand only) jointly 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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12. 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.

27-01-2026

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

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To

1. The District Munsif cum Judicial Magistrate
Kurinjipadi
2. The Sub Inspector of Police,
Kurinjipadi Police Station,
Cuddalore District.
Cri.No.43/2021.
3. The Public Prosecutor
High Court of Madras
Chennai 600 104



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A.D.JAGADISH CHANDIRA, J.

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