



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-02-2026

CORAM

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

**CRL OP No. 1398 of 2026
and Crl.M.P.No.829 of 2026**

T.Dhanush

..Petitioner(s)

Vs

1. The State Rep. by The Inspector of police
Race Course Police Station,
Coimbatore City,
Coimbatore.
(Crime No. 602/2025)
2. M.Kaviya

..Respondent(s)

Criminal Original Petition is filed under Section 528 of B.N.S.S., to call for the records relating to Crime No. 602 of 2025 pending on the file of the first respondent police and quash the same.

For Petitioner(s):

Mr.PL.Narayanan, Senior Counsel,
Assisted by Mr.E.Hariharan

For Respondent(s):

Mr.S.Vinoth Kumar,
Government Advocate (Crl.Side) for R1
Ms.P.Neelavathi for R2

ORDER

The present Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.602 of 2025, on the basis of the compromise arrived at between the petitioner and the *de facto* complainant/second respondent.



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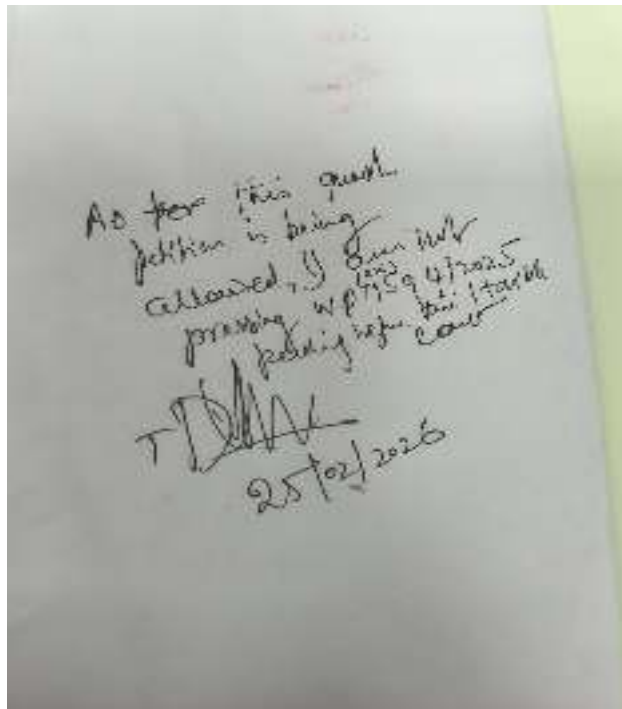
2. Heard both sides and perused the materials available on record.

3. Based on the complaint given by the *de facto* complainant/R2, a case in Crime No.602 of 2025 was registered on the file of the first respondent Police against the petitioner, for the offences under Sections 308(4) and 351(3) of the BNS.

4. Learned Senior Counsel appearing for the petitioner submitted that the petitioner and the de facto complainant are known to each other. On account of a misunderstanding between them, the de facto complainant lodged a complaint against the petitioner, pursuant to which, the petitioner was arrested and remanded to judicial custody. Subsequently, due to the intervention of common friends and well-wishers, the parties have amicably settled the dispute and the de facto complainant has filed a Joint Memo of Compromise seeking to quash the first information report on the basis of the said compromise. He further submitted that the de facto complainant has no objection to the first information report being quashed in its entirety. He also submitted that the petitioner, alleging illegal arrest, had filed W.P.Crl.No.1594 of 2025 before this Court and that the same is pending. In view of the compromise between the parties, the petitioner has made an endorsement that he is not pressing W.P.Crl.No.1594 of 2025 and further submitted that when the matter comes up



before this Court, he will not press the said writ petition. A scanned reproduction of the endorsement made by the petitioner in the case file is as follows:



5. Learned counsel appearing for the de facto complainant submitted that during the course of investigation, the properties belonging to the de facto complainant were recovered from the petitioner and have been produced before the Additional Mahila Court, Coimbatore. He, therefore, prayed that a direction may be issued to the Additional Mahila Court, Coimbatore, to return the said properties to the de facto complainant.



6. At this juncture, the learned Senior Counsel appearing for the petitioner submitted that the petitioner has no objection in the properties being returned to the de facto complainant.

7. The petitioner and the *de facto* complainant/R2 appeared before this Court and were identified by their respective counsel as well as by Mr.D.Srinivasan, PC, C2 Race Course Police Station, Coimbatore.

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

9. 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 offences, has to consider the issue as to whether offences of this nature can be quashed on the ground of compromise between parties.

10. 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.

11. In the present case, 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 pending against the petitioner in Crime No.602 of 2025, pending on the file of the first respondent, in exercise of its jurisdiction under Section 482 Cr.P.C./Section 528 BNSS.

12. Accordingly, this Criminal Original Petition stands allowed and the first information report in Crime No.602 of 2025 pending on the file of the



first respondent, is quashed as against the petitioner. As and when the petition seeking for return of properties filed by the de facto complainant, the learned Trial Judge is directed to hand over the properties to the de facto complainant, without any notice to the petitioner.

13. Consequently, connected Miscellaneous Petition is closed.

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

25-02-2026

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

VKR

To

1.The Inspector of police
Race Course Police Station,
Coimbatore City, Coimbatore.

2.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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