



Crl.O.P.No.3093 of 2026

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.3093 of 2026

1. Dhayalram
2. Shairish Alias Shai Rishi M D ... Petitioners

Vs.

1. The State of Tamil Nadu,
The Inspector of Police,
Vaduvoor Police Station,
Tiruvarur District.
2. Annadurai ... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to call for the records in C.C.No.538 of 2025 pending on the file of the Judicial Magistrate Court No.I, Mannargudi and quash the same.

For Petitioners : Mr.G.Meganathan

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

For R2 : Mr.S.Nedunchezhiyan



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ORDER

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The present Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.538 of 2025 on the file of the Judicial Magistrate Court No.I, Mannargudi, pending against the petitioners, on the basis of the compromise arrived at between the petitioners 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, a case in Crime No.274 of 2024 was registered on the file of the first respondent police against the accused, for the offences under Sections 296(b) and 351(3) of the BNS. After completion of investigation, the final report was filed before the Judicial Magistrate Court No.I Court, Mannargudi, and the Court took cognizance of the same and numbered it as C.C.No.538 of 2025.

4. Learned counsel appearing for both the petitioners and the *de facto* complainant submitted that on the advice of elders, the parties have



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now amicably settled the issue among themselves. Hence, they seek to quash the aforesaid case as against the petitioners. Affidavits and a Joint Memo of Compromise to that effect have also been filed.

5. The petitioners and the *de facto* complainant/R2 appeared before this Court and they were identified by their respective learned counsel as well as by Mr.T.Prabhakaran, HC 1321, Vaduvor Police Station.

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

7. Learned Additional Public Prosecutor appearing on behalf of the first 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 the 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 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.

9. 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 proceedings pending against the petitioners in



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C.C.No.538 of 2025, pending on the file of the Judicial Magistrate Court No.I, Mannargudi, in exercise of its jurisdiction under Section 482 Cr.P.C./Section 528 BNSS.

10. Accordingly, this Criminal Original Petition stands allowed and the proceedings in C.C.No.538 of 2025, pending on the file of the Judicial Magistrate Court No.I, Mannargudi, Tiruvarur District, is quashed as against the petitioners.

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

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Neutral Citation: Yes/No



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To

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1. The Judicial Magistrate Court No.I,
Mannargudi.
2. The Inspector of Police,
Vaduvoor Police Station,
Tiruvarur District.
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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