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Crl.O.P.No.4097 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 25.02.2026**

CORAM:

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

**Crl.O.P.No.4097 of 2026**  
**and Crl.M.P.No.2841 of 2026**

G.Gopinath

... Petitioner/Accused

Vs.

1. The State by,  
The Inspector of Police,  
S-7 Madipakkam Police Station,  
Chennai.  
(Crime No.1232/2025)

... 1<sup>st</sup> Respondent/Complainant

2. Moorthy.M

... 2<sup>nd</sup> Respondent/ defacto Complainant

**PRAYER:** Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to call for the records relating to the impugned FIR in Crime No.1232 of 2025, on the file of the first respondent police and to quash the same.

For Petitioner : Mr.Manish.P

For R1 : Mr.S.Vinoth Kumar  
Government Advocate (Criminal Side)

For R2 : Mr.Akhin Bose J.M



## **ORDER**

The present Criminal Original Petition has been filed seeking to quash the FIR in Crime No.1232 of 2025, on the file of the first respondent, 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.1232 of 2025 was registered on the file of the first respondent Police against the petitioner, for the offence under Section 302(2) of the BNS, 2023. After completion of investigation, a charge sheet was filed and taken cognizance of, as aforesaid.

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 proceedings pending against the petitioner. Affidavits and a Joint Compromise Memo to that effect have also been filed.



5. The petitioner and the *de facto* complainant/R2 appeared before this Court and were identified by their respective counsel as well as by Ms.B.Valliammai, WSI, S-7, Madipakkam Police Station, Chennai.

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 offence 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 offence 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



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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 offence in question is 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 proceedings pending against the petitioner in Crime No.1232 of 2025 on the file of the first respondent, 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 Crime No.1232 of 2025, on the file of the first respondent, is quashed as against the petitioner. Consequently, the connected miscellaneous petition is closed.



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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.

**25.02.2026**

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Neutral Citation: Yes/No

To

1. The Inspector of Police,  
S-7 Madipakkam Police Station,  
Chennai.
2. The Public Prosecutor,  
High Court of Madras.



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**A.D.JAGADISH CHANDIRA, J.**

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