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Crl.O.P.No.3105 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2026

CORAM:

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

Crl.O.P.No.3105 of 2026
and Crl.MP.No.2143 of 2026

Muthuvairavan

... Petitioner

Vs.

1.The State represented by
The Inspector Police,
Valathy Police station,
Villupuram.
(Crime No.218 of 2025)

2. Siva

... 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 relating to Crime No.218 of 2025 on the file of the Inspector of Police, Vallathy Police Station, Villupuram and quash the same.

For Petitioner	: Mr.G.Paramasivam
For R1	: Mr.K.M.D.Muhilan Additional Public Prosecutor
For R2	: Mr.P.Sarveswaran



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ORDER

This Criminal Original Petition has been filed seeking to call for the records relating to Crime No.218 of 2025, on the file of the first respondent and to quash the same.

2. Learned counsel appearing for the petitioner would submit that due to business rivalry between the other accused and the *de facto* complainant, the *de facto* complainant has given a complaint, based on which, a case in Crime No.218 of 2025 came to be registered. He would submit that the name of the petitioner has not found place in the FIR; however, later, based on the confession recorded from certain arrested accused, the petitioner was also implicated in this case. He would submit that since the petitioner was implicated based on confession, this Court had granted anticipatory bail to the petitioner on 30.12.2025 in Crl.O.P.No.36072 of 2025; subsequently, the *de facto* complainant, coming to know that the petitioner has no connection with the accused, has agreed to compromise the matter. He would further submit that the matter may be quashed on the basis of the compromise between the parties.

3. Learned Additional Public Prosecutor appearing for the first respondent would submit that though the petitioner's name does not find



place in the FIR, he was implicated based on confession of other accused.

He would submit that there are remaining 15 accused and there are several previous cases pending, including the case of murder; as far as the petitioner is concerned, he has got one previous case for the offence under Section 323 IPC, pending on the file of Thenkasi Police Station, and hence he would object for quashing the impugned proceedings.

4. Learned counsel appearing for the *de facto* complainant/R2 would submit that the *de facto* complainant has not implicated the petitioner in the FIR, but, he has been implicated based on the confession recorded from the other accused. He would submit that the *de facto* complainant is now arrested, based on the complaint given by one Suriyakant, and was in judicial custody in Central Prison, Madurai. He would submit that the *de facto* complainant has sworn an affidavit before Jailer, the Central Prison, Jailer, stating that he does not want to proceed with the case against any of the accused and he would further submit that FIR may be quashed based on the affidavit.

5. Heard the learned counsel appearing for the petitioner, the learned Additional Public Prosecutor for the first respondent and the learned counsel



appearing for the second respondent.

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6. Based on the complaint given by the *de facto* complainant/R2, the case in Crime No.218 of 2025, was registered for the offences under Sections 329(4), 296(b), 140(2), 308(4) of Bharatiya Nyaya Sanhita, 2023.

7. The petitioner has stated that he has settled the dispute with the *de facto* complainant amicably and hence, seeks to quash the First Information Report. They have also filed an affidavit and a Joint Memo of Compromise to that effect.

8. Since *de facto* complainant is in judicial custody, he has not appeared and only the petitioner appeared before this Court and he was identified by his counsel as well as by Mr.R.Elavarasan, HC 2690, Valathy Police Station.

9. The learned Additional Public Prosecutor 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, 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 accused 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.



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12. In view of the above, this Court is inclined to quash the First Information Report registered in Crime No.218 of 2025 pending on the file of the first respondent in its entirety, in exercise of its jurisdiction under Section 482 of Cr.P.C.

13. Accordingly, the First Information Report in Crime No.218 of 2025 pending on the file of the first respondent is quashed as against the petitioner and the other accused accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

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

16.02.2026

dsm

Internet:Yes



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To

1. The Inspector Police,
Valathy Police station,
Villupuram
2. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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