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Crl.O.P.No.3833 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2026

CORAM:

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.3833 of 2026

1.Joseph
2.Muniselvam

.... Petitioners

Vs

1.The Inspector of Police,
Mahalingapuram Police Station,
Coimbatore.
Crime No.64/2025

2.Kavipriya

.... Respondents

Prayer : Criminal Original Petition filed under Section 528 of B.N.S.S, to call for the records pertaining a case in P.R.C.No.32 of 2025 before the Judicial Magistrate-II, Pollachi and quash the same.

For Petitioners : Mr.P.Dasarathan

For R1 : Mr.S.Santhosh
Government Advocate (Crl.side)

For R2 : Mr.E.Aneesh Vinayak

ORDER

The present Criminal Original Petition has been filed seeking to quash the proceedings in P.R.C.No.32 of 2025 on the file of the Judicial Magistrate-II, Pollachi.



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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.64 of 2025 was registered on the file of the first respondent police against the petitioner, for the offences under Sections 296(b), 115(2), 351(3) of BNS, 2023 and Section 4 of TNPHW Act and Section 3 of the Tamil Nadu Medicare Service Persons & Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2008 read with 25(1A) and 27(1) of Indian Arms Act. After completion of the investigation, the respondent police filed the final report before the Judicial Magistrate-II, Pollachi and the same has been taken on file in P.R.C.No.32 of 2025.

4. Learned counsel appearing for the petitioners as well as for the *de facto* complainant submitted that the 1st petitioner and the *de facto* complainant are relatives and the 2nd petitioner is a friend of the 1st petitioner. Due to misunderstanding between them, the occurrence had happened. 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 proceedings pending against the petitioner. Affidavits and a Joint Compromise Memo to that effect have also been filed.



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5. The petitioners and the *de facto* complainant/R2 appeared before this Court and they were identified by their respective counsel as well as by Mr.P.Saravanan, HC 2175, Mahalingapuram Police Station, Coimbatore.

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

7. Learned Government Advocate (Crl.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.

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



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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 in P.R.C.No.32 of 2025 on the file of the Judicial Magistrate-II, Pollachi., in exercise of its jurisdiction under Section 482 Cr.P.C./Section 528 BNSS.

10. Accordingly, this Criminal Original Petition stands disposed of. Consequently, the connected Criminal Miscellaneous Petitions are closed. The proceedings in P.R.C.No.32 of 2025 on the file of the Judicial Magistrate-II,



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Pollachi, is quashed as against the petitioners, on condition that the petitioners pay a sum of Rs.10,000/- (Rupees Ten Thousand only) 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.

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.

17.02.2026

Internet: Yes
Index : Yes/No
Neutral Citation: Yes/No
Speaking/Non Speaking order
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To

1.The Judicial Magistrate No.II,
Pollachi.

2.The Inspector of Police,
Mahalingapuram Police Station,
Coimbatore.

3. The Public Prosecutor,
High Court of Madras,
Chennai.



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A.D.JAGADISH CHANDIRA . J,

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