



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-04-2026

CORAM

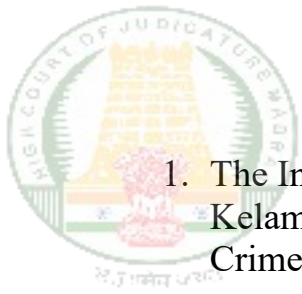
THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 5019 of 2026

1. Mohamed Ansil
S/o.Syed Masood
No.158/4, Pallivasal Street, Thirukoodapauram,
Champatti Post, Tirunelveli District.
2. Barani @ Baranidharan
S/o.Lakshimipathy,
1/113, Murugan Koil Street,Anagur Post,
Villupuram Taluk and District - 605 103.
3. Aravindan @ Santhosh
S/o.Palani,
No.6, Gandhi Nagar,Panampattu Pathai,
Villupuram Town and District - 605 602.
4. Bharanidharan
S/o.A.Baskaran,
3/102, Mariyamman Koil Street,
Serndanur and Post,
Villupuram Taluk and District - 605 103.
5. Rahilan
S/o.Mannaraja,
No.185/3/187, Mannaraja Kovil Street,
Tisayanvilai, Radhapuram Taluk,
Tirunelveli District - 627 657.
6. Kalis Oli
S/o.Mohamed Mydeen
No.132/3, Kayithemillath 3rd Street,
Thorukoodapuram,
Chockampatti Post, Tirunelveli District.

..Petitioner(s)

Vs



1. The Inspector of Police,
Kelambakkam Police Station,
Crime No.264/2024.
2. Shiek Shaghul Hameed
S/o.Kajah Mohideen,
No.6, Kandasamy Layout,
1st Street, Villupuram Town and District.
3. Abdulla S/o.Alaudin,
No.6, Kandasamy Lay-out,
1st Street, K.K.Road,
Villupuram Town and District.

..Respondent(s)

PRAYER: This criminal original petition filed under Section 528 of BNSS to call for the entire records in FIR in Crime No.264/2024, U/s.191(2), 191(3), 127(2), 115(2), 118(1), 351(3) of BNS and U/s.67 of Information Technology Act, 2008, pending on the file of 1st respondent and quash the same

For Petitioner(s):

Mr.S.Natarajan

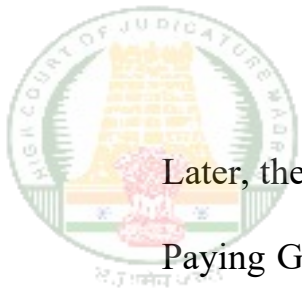
For Respondent(s):

Mr. LEONARD ARUL JOSEPH SELVAM
ADDITIONAL PUBLIC PROSECUTOR
FOR R1
MR.M.KUMARESH
FOR R2 & R3

ORDER

The petitioners, who are accused in crime No.264 of 2024 for offences under Sections 191(2), 191(3), 127(2), 115(2), 118(1), 351(3) of BNS and U/s.67 of Information Technology Act, 2008, has filed this quash petition.

2.The case against the petitioners is that on 03.09.2024, the defacto complainant/second respondent's cousin the 3rd respondent, who is the student of Hindusthan Engineering College, had gone to take tea. At that time, the petitioners came there, enquired with the 3rd respondent and assaulted him.



Later, they called the 3rd respondent over phone and directed him to come to the Paying Guest Room. After he came there, about 20 persons Gang assaulted the 3rd respondent using a pipe and damaged his mobile phone, recorded the assault and threatened to post the same in the Facebook and WhatsApp. Hence, the present complaint.

3.The contention of the learned counsel for the petitioners is that one Tamima had lodged a complaint against the third respondent alleging harassment, which was questioned by the petitioners and the same had been projected as though the petitioners had assaulted the 3rd respondent. It is further submitted that a case in crime No.263 of 2024 registered against the 3rd respondent and as a counter blast, the present case has been registered. As regards the case against the 3rd respondent, Tamima had given no objection and this Court in Crl.OP.No.8976 of 2025 quashed the proceedings. It is also submitted that the 3rd respondent and defacto complainant/second respondent have no objection for quashing the present case against the petitioners.

4.The learned counsel appearing for the petitioners as well as for the respondents 2 & 3 submitted that it is a case and counter case and 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 petitioners and in this regard, compromise entered between them and they produced a joint compromise memo, which is scanned and extracted hereunder:



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MEMORANDUM OF CRIMINAL ORIGINAL PETITION FILED
UNDER SECTION 528 OF BNSS
IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Original Jurisdiction)
Crl O.P.No. 5019 of 2026
In
Cr. No.264 of 2024
(Kelambakkam Police Station, Kanchesapuram District)

1. Mohamed Ansil, M/20 years,
S/o. Syed Masood,
No.158/4. Pallivasal Street,
Thirukoodapuram,
Chompatti Post,
Tirunelveli District.
2. Barani @ Baranidharan, M/30 years,
S/o. Lakshminipathy,
1/113, Murugan Koil Street,
Anagur Post,
Villupuram Taluk & District. 605 103.
3. Aravindan @ Santhosh, M/21 years,
S/o.Palani,
No.6. Gandhi Nagar,
Panampattu Pathai,
Villupuram Town & District. 605 602.
4. Bharanidharan,
S/o.A. Baskaran,
3/102, Mariyamman Koil Street,
Serndanur & Post,
Villupuram Taluk & District. 605 103.
5. Rahilan, M/20 years,
S/o. Mannaraja
No.185/3/187, Mannaraja Kovil Street,
Tisayanvilai, Radhapuram Taluk,
Tirunelveli District. 627 657.



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Therefore, it is prayed that this Hon'ble Court may be pleased to accept the compromise effected between the petitioners and second respondent and to quash the FIR in Crime No.264/2024, pending on the file of 1st respondent and to pass such other orders as deem fit to the circumstance of the case.

1. Mohamed Anshik
2. L. Parviz
3. P. Anur
4. Bharani Tharan
5. M. Rahilan
6. M. Kasi S

Petitioners

(A) C. Parashankar
A. Abdullah

Defacto Complainant & Victim

Eng
Counsel for Petitioner



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

6.The case is still at the stage of investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

7.The petitioners and the second and third respondents appeared before this Court and were identified by their respective counsel as well as by Mr.M.Ajay Thandayuthapani, Sub Inspector of Police, T19, Kelampakkam, Police Station.

8.On being enquired by this Court, the second and third respondents stated that they have amicably settled the dispute with the petitioners and they are not willing to pursue the criminal proceedings and therefore, seeks to quash the same.

9.The learned Additional Public Prosecutor appearing on behalf of the first respondent submitted that though the parties 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 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 petitioners and the third 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 crime No.264 of 2024 on the file of the first respondent police.



12. Accordingly, this Criminal Original Petition stands allowed and the proceedings in Crime No.264 of 2024 pending on the file of the first respondent police, is quashed as against the petitioners.

13. The affidavit and the Joint compromise Memo filed by the petitioners and the second and third respondents for compromising the offences shall form part of the records.

10-04-2026

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

To

1. The Inspector of Police,
Kelambakkam Police Station,
Crime No.264/2024.
2. The Public Prosecutor
High Court, Madras.



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CRL OP No. 5019 of 2



M.NIRMAL KUMAR, J.

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CRL OP No. 5019 of 2026

10-04-2026