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CRL OP No. 5823 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-03-2026

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 5823 of 2026

Vijay Bahadur Yadav,
S/o.Badelal,
Residing at:
Udpur, Phool Pur,
Azamgarh, Uttar Pradesh – 276 304.
Now at:
No.99, Rajali Container Lorry Service,
Vichoor, Chennai District – 600 103.

Petitioner

Vs

1.The State, Rep by its
Inspector of Police,
M-7 Manali New Town Police Station,
Avadi Commissionerate Limit.
Chennai District.

2.Prashant Kumar,
S/o.Ram Kishun Ram,
Residing at:
Turki Barkurwa,
Turki Post, Muzaffarpur,
Bihar – 844 127.
Now at:
No.99, Rajali Container Lorry Service,
Vichoor, Chennai District – 600 103.

Respondents

PRAYER: The Criminal Original Petition filed under Section 528 of BNSS, 2023, praying to call for the records and quash the Crime No.390 of 2025 pending on the file of the first respondent police.



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For Petitioner : Mr.C.Nithiyanandam
For Respondent-1: Mr.Leonard Arul Joseph Selvam
Additional Public Prosecutor
For Respondent-2: Mr.K.Hemanathan

ORDER

The Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.390 of 2025, on the file of the first respondent police as against the petitioner, on the basis of the compromise arrived at between the petitioner and the *de facto* complainant/second respondent.

2. The case of the prosecution is that the *de facto* complainant is working as a helper in Rajali Container Lorry Service at Vichoor, Chennai. The petitioner, who is a lorry driver, had come to the said place on 04.10.2025 for delivery purpose. On that day, both the petitioner and the *de facto* complainant went to a liquor shop and consumed alcohol together, at that time a wordy quarrel arose between them during which the petitioner abused the *de facto* complainant in filthy language, pushed him to the ground and kicked him. Thereafter, the *de facto* complainant admitted to Government Stanley Hospital. Hence, a complaint lodged.



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

4. Based on the complaint given by the *de facto* complainant/second respondent, a case in Crime No.390 of 2025 registered on the file of the first respondent Police against the petitioner, for the offence under Sections 296(b), 118(2) & 351(2) of BNS, 2023.

5. The learned counsel appearing for both the petitioner and the *de facto* complainant submitted that the parties have now amicably resolved their dispute and the *de facto* complainant also agreed to withdraw the complaint lodged against the petitioner.

6. As the parties have now amicably settled the issue among themselves, they seek to quash the First Information Report as against the petitioner. Affidavits and a Joint Memo of Compromise to that effect have also been filed.

7. The petitioner and the *de facto* complainant/second respondent are present before this Court and they were identified by Mr.C.Govindan, Grade-I PC-17274, M7-Manali New Town Police Station, Chennai – 103.



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8. On being enquired by this Court, the parties confirmed the compromise entered between them. 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.

9. The learned Additional Public Prosecutor appearing on behalf of the respondent police submitted that though the parties 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.

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 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.

11. In the present case, the offences in question are 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 First Information Report in Crime No.390 of 2025, pending on the file of the first respondent police, in exercise of its jurisdiction under Section 482 Cr.P.C./Section 528 BNSS.

12. Accordingly, the Criminal Original Petition is allowed and the First Information Report in Crime No.390 of 2025, pending on the file of the first respondent police, is quashed as against the petitioner. The petitioner is discharged of all the charges.



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13. The affidavit and the Joint Memo of Compromise filed by the petitioner and the second respondent for compromising the offences shall form part of the records.

06-03-2026

Index : Yes/No
Speaking order/Non-speaking order
Neutral citation : Yes/No
rsi

To

1.The Inspector of Police,
M-7 Manali New Town Police Station,
Avadi Commissionerate Limit.
Chennai District.

2.The Public Prosecutor
High Court, Madras.



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M.NIRMAL KUMAR, J.

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