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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-03-2026

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 6151 of 2026

and

CRL MP No.4553 of 2026

1. Jayachandran R
2. Anand P
3. Imran Basha L
4. S.Saranraj

Petitioner(s)

Vs

1. State Rep. by its
The Inspector of Police,
T-4 Maduravoyal Police Station (L & O),
Maduravoyal, Chennai - 600 095.

- 2.Rajendran

Respondent(s)

PRAYER: Criminal original petition filed under Section 528 of BNSS, 2023, to call for the records in Crime No. 42 of 2026 dated 04.02.2026 for the alleged offence under Section 309(4) of B.N.S. Act 2023 and pending investigation on the file of the First Respondent police and quash the same against the petitioner.

For Petitioner(s): Mr.S.Mohan Raj
Petitioners 1 to 4 - Present in
Court

For Respondent(s): Mr. Leonard Arul Joseph Selvam
Additional Public Prosecutor
for R1

R2 – Present in Court



ORDER

The present Criminal Original Petition has been filed to call for the records in Crime No. 42 of 2026 dated 04.02.2026 for the alleged offence under Section 309(4) of B.N.S. Act 2023, pending investigation on the file of the first Respondent police and quash the same as against the petitioners, on the basis of the compromise arrived at between the petitioners and the *de facto* complainant/second respondent.

2. The case of the prosecution is that on 04.02.2026, when the *de facto* complainant, who was working as a Supervisor in Club FL-2 Bar, was returning home, at about 12.30a.m., in his two-wheeler, one of the petitioners, who was riding his Splendor Vehicle, dashed against the two-wheeler of the *de facto* complainant from behind near Maduravoyal Alappakkam Main Road, due to which the *de facto* complainant, lost his balance and fell down from his vehicle. Thereafter, when the *de facto* complainant questioned the rider of the Splendor Vehicle, a wordy quarrel ensued. At that time, the 1st petitioner herein and two others had come in an autorickshaw and all the four persons (petitioners herein) beat the *de facto* complainant. In the melee, the *de facto* complainant's mobile phones had been taken away by the petitioners leading to the lodging of the complaint.

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



4. Based on the complaint given by the *de facto* complainant/R2, a case in Crime No. 42 of 2026 was registered on the file of the first respondent Police against the petitioners, for the offence under Section 309(4) of BNS. The investigation is now complete and the charge sheet has been filed.

5. Now, the *de facto* complainant, realising that the petitioners had no motive and it was only, in a fit of rage, the entire exchange of words and quarrel had taken place, has come forward to withdraw the complaint. It was also found that due to the wordy quarrel, the mobile phones of the *de facto* complainant had slipped from his pocket and had gone missing, which have been subsequently recovered. The issue has been resolved and the learned Additional Public Prosecutor also confirms the same.

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

7. The petitioners and the *de facto* complainant/R2 are present before this Court and they were identified by Mr.S. Suthakar, PC-50195, T-4, Maduravoyal Police Station.

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 petitioners and he is not willing to pursue the criminal proceedings and therefore, seeks to quash the same.



9. 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 offence 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 offence 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 offence in question is 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 First Information Report in Crime No.42 of 2026 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.42 of 2026 pending on the file of the first respondent police is quashed as against the petitioners. The petitioners are discharged of all the charges.

13. It is brought to the notice of this Court by the petitioners that their mobile phones (4 Nos.), autorickshaw and a splendor bike have been seized by the respondent Police and that the same may be handed over to them.

14. In the light of the compromise arrived at between the parties and the petitioners having been discharged, the aforesaid articles of the petitioners may be handed over to them on the petitioners filing a petition/memo along with a copy of this order.

10-03-2026

Neutral Citation: Yes/No
nv



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M.NIRMAL KUMAR, J.

nv

To

1.The Inspector of Police,
T-4 Maduravoyal Police Station (L & O),
Maduravoyal, Chennai - 600 095.

2.The Public Prosecutor
High Court, Madras.

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