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CRL OP No. 6059 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 05-06-2026**

CORAM

**THE HON'BLE MR JUSTICE M. NIRMAL KUMAR**

**CRL OP No. 6059 of 2026**

**AND**

**CRL MP NO. 4459 OF 2026**

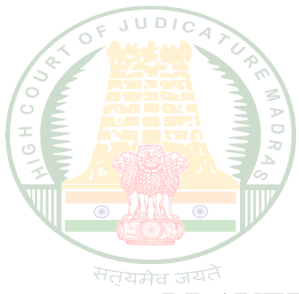
1. Thiruppathi  
S/o.Baskar,  
No.1645, North 3rd street,  
Pudukottai - 622 001.
2. Sathish  
S/o.Saravanakumar,  
No.4480, south 3rd street,  
Pudukottai Road,  
Pudukottai District - 622 001.
3. Vijay Alias Vijayakumar  
S/o.Karuppaiah,  
No.90, Saraswathi Street,  
Vasanthapuri Nagar,  
Pudukottai - 622 001.

..Petitioner(s)

Vs

1. The State Rep. by The Inspector of Police,  
J-12 Selaiyur Police Station,  
Chennai - 600 073.  
(Cr.No.157/2025)
2. M.Tharik Ali  
S/o.Mohammed Farook,  
No.65, Ishwarya Apartment,  
Thirumangai Mannan Street,  
East Tambaram,  
Chennai - 600 059.

..Respondent(s)



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**PRAYER:** The Criminal Original Petition filed under Section 528 of BNSS, 2023, praying to call for the records pertaining to C.C.No.620 of 2025 pending on the file of Judicial Magistrate Court-II, Tambaram, and quash the same.

|                    |                                                     |
|--------------------|-----------------------------------------------------|
| For Petitioners :  | Ms.M.F.Shabana                                      |
| For Respondent-1:  | Mr.R.Rajasekaran<br>Government Advocate (Crl. Side) |
| For Respondent-2 : | Ms.S.E.Reethika                                     |

### **ORDER**

The present Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.620 of 2025 on the file of the Judicial Magistrate Court-II, Tambaran, pending 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 the petitioners, *de facto* complainant/second respondent and LW3-Harihara Sudhan, all were working in a real estate company, namely, Value Realty. Later, LW3 separated from that company and started a new company, named Elity-City at Chitlapakkam. The second respondent also resigned his job and joined in Elity-City. Due to which, there was a prior animosity developed between the parties. On 14.04.2025 at about 11.00 p.m., the petitioners along with one unknown person waylaid the de

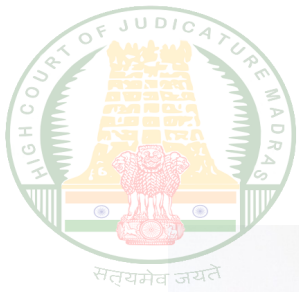


facto complainant, assaulted him with a wooden log and Aruval and threatened him with dire consequences. Hence a complaint lodged.

3. Based on the complaint given by the *de facto* complainant/second respondent, a case in Crime No.157 of 2025 registered on the file of the first respondent Police against the petitioners, for the offence under Sections 296(b), 126(2), 118(1) & 351(3) of BNS, 2023.

4. The learned counsel appearing for both the petitioners 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 petitioners.

5. As the parties have now amicably settled the issue among themselves, they seek to quash the proceedings in C.C.No.620 of 2025 as against the petitioners. Affidavits and a Joint Memo of Compromise to that effect have also been filed. The terms of Joint Memo of Compromise reads as follows:

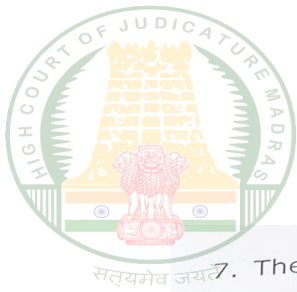


**JOINT MEMORANDUM OF COMPROMISE**

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The Petitioners and the 2<sup>nd</sup> Respondent respectfully submit as follows:-

1. The petitioners submit that on the complaint given by the 2<sup>nd</sup> respondent, the 1<sup>st</sup> respondent police registered a case in Crime No.157 of 2025 for the offences under Sections 296(b), 126(2), 118(1) and 351(3), 3(5) of BNS, 2023 on the file of J-12 Selaiyur Police Station, Chennai. After completion of investigation, the respondent police filed a Final Report and the same was taken on file in C.C.No.620 of 2025 on the file of the learned Judicial Magistrate Court – II, Tambaram.
2. The petitioners submit that challenging the proceedings in C.C.No.620 of 2025, the above Criminal Original Petition has been filed before this Hon'ble Court under Section 528 of BNSS, 2023.
3. The petitioners and the 2<sup>nd</sup> respondent submit that due to misunderstanding and previous enmity, the above complaint came to be lodged and the criminal proceedings were initiated.
4. The petitioners and the 2<sup>nd</sup> respondent further submit that subsequently, with the intervention of elders, relatives, friends and well-wishers, the dispute between the parties has been amicably settled out of Court.
5. The 2<sup>nd</sup> respondent has agreed not to pursue the criminal proceedings any further and has no objection whatsoever for quashing the proceedings in C.C.No.620 of 2025 pending on the file of the learned Judicial Magistrate Court – II, Tambaram.
6. The petitioners and the 2<sup>nd</sup> respondent submit that the dispute between the parties is purely personal in nature and no public interest is involved in the matter.



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7. The petitioners and the 2<sup>nd</sup> respondent affirm that they have entered into this compromise voluntarily, out of their own free will and consent, without any force, coercion, undue influence or pressure from any quarter.
8. The petitioners and the 2<sup>nd</sup> respondent further undertake that they shall maintain cordial relationship hereinafter and there shall not be any future dispute between them in respect of the subject matter involved in the above case.
9. The petitioners and the 2<sup>nd</sup> respondent humbly pray that this Hon'ble Court may be pleased to treat this Joint Memorandum of Compromise as part and parcel of the order to be passed in the above Criminal Original Petition.

Therefore, it is prayed that this Hon'ble Court may be pleased to record this Joint Memorandum of Compromise and quash the proceedings in C.C.No.620 of 2025 pending on the file of the learned Judicial Magistrate Court – II, Tambaram and thus render justice.

Dated at Chennai, on this the 12<sup>th</sup> day of May, 2026

2<sup>nd</sup> RESPONDENT

Counsel for 2<sup>nd</sup> Respondent

1. B. Thirupathi

2. S. Sany

3. I. V. R. R. R.

PETITIONERS

Counsel for the Petitioners

6. The petitioners and the *de facto* complainant/second respondent are present before this Court and they were identified by Mr. Dakshanamoorthy, Sub Inspector of Police, T-12, Selaiyur Police Station, Chennai – 73.



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7. The learned Government Advocate (Crl. Side) appearing on behalf of the first 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.

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 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



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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 against the petitioners in C.C.No.620 of 2025, pending on the file of Judicial Magistrate Court-II, Tambaram, in exercise of its jurisdiction under Section 482 Cr.P.C./Section 528 BNSS.

10. Accordingly, the Criminal Original Petition is allowed and the criminal proceedings in C.C.No.620 of 2025, pending on the file of Judicial Magistrate Court-II, Tambaram, is quashed as against the petitioners. The petitioners are discharged from all charges.

11. The affidavit and the Joint Memo of Compromise filed by the petitioners and the second respondent for compromising the offences shall form part of the records. Consequently, the connected Criminal Miscellaneous Petition is closed.

05-06-2026

Index : Yes/No

Speaking order/Non-speaking order

Neutral citation : Yes/No

rsi



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CRL OP No. 6059 of 2026

**M.NIRMAL KUMAR, J.**

rsi

To

1. The Judicial Magistrate No-II,  
Tambaram.
2. The Inspector of Police,  
J-12 Selaiyur Police Station,  
Chennai - 600 073.
3. The Public Prosecutor  
High Court, Madras.

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