



WEB COPY

CRL OP No. 6633 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 6633 of 2026

AND

CRL MP NO. 4864 OF 2026, CRL MP NO. 4865 OF 2026

J.Caleb Manoah

..Petitioner(s)

Vs

1. State rep. by,
The Circle Inspector of Police (Railways),
Railway Police Station,
Thiruvanmiyur,
Egmore Railway Police Circle,
Egmore,
Chennai-600008.

2. Rohit Kumar

..Respondent(s)

Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to call for records relating to in CC.No.1068 of 2023 on the file of the learned IX Metropolitan Magistrate, Saidapet, Chennai and quash the same.

For Petitioner(s):

Mr.Mohammed Raji
for Mr.M.I.Javid Akbar

For Respondent(s):

Mr.R.Rajasekaran,
Counsel for Government of Tamil Nadu
(Criminal Side) for R1

Mr.S.Kolandasamy for R2

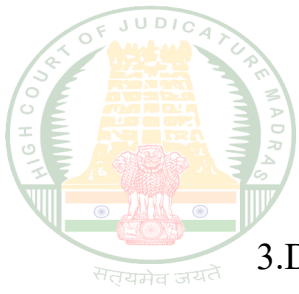


ORDER

WEB COPY

The petitioner/A1, who is facing trial in C.C.No.1068 of 2023 on the file of the IX Metropolitan Magistrate Court at Saidapet, Chennai, for the offences under Sections 147, 148, 294(b), 341, 352, 506(ii), 109 r/w. 34 IPC, has filed the present quash petition.

2.The case of the prosecution is that there was a small fight between the petitioner and the 2nd respondent / *de facto* complainant during a College function. Later, this petitioner left the issue at that stage itself. However, the petitioner's friends, offended by the incident, three days thereafter, on 06.02.2023, along with other friends, picked up a quarrel with the *de facto* complainant during a train journey and had a fight and assaulted the *de facto* complainant. Therefore, the *de facto* complainant lodged a complaint as against the petitioner (A1) and his friends (A2 to A6). Based on the same, a case in Crime No.12 of 2023 came to be registered as against the petitioner (A1) and others. After investigation, the 1st respondent Police had filed a final report as against the petitioner (A1) and 5 others (A2 to A6) for the offences under Sections 147, 148, 294(b), 341, 352, 506(ii), 109 r/w. 34 IPC, which was taken on file in C.C.No.1068 of 2023 on the file of the IX Metropolitan Magistrate Court at Saidapet, Chennai. To quash the same, the present Criminal Original Petition has been filed by A1.



3. During the pendency of the criminal proceedings, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

4. Learned counsel for the petitioner submitted that the petitioner left the issue immediately after the quarrel that arose between the petitioner and the *de facto* complainant. However, on the presumption that, at the instance of the petitioner, the attack had happened during his train journey, the *de facto* complainant has implicated the petitioner in this case. He further submitted that, during the occurrence, the petitioner was not present in the train nor anywhere in and around the Railway Station. He further submits that, now the parties have come forward to settle the matter and buy peace. Hence, he prays for quashing of the FIR on the basis of compromise.

5. Learned counsel for the 2nd respondent / *de facto* complainant submitted that the *de facto* complainant is now willing to settle the issues amicably and compound the offences. Since all the accused persons and the *de facto* complainant were College students at that time and in a fit of rage at that age, there was a wordy quarrel which ended in scuffle, the *de facto* complainant has no objection to quash the FIR not only as against the petitioner (A1) but also other accused persons. The learned counsel further submitted that, the

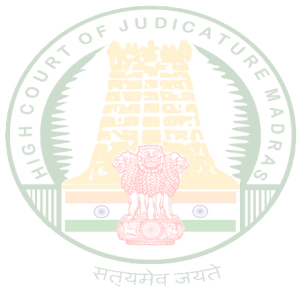


petitioner (A1) has given a counter complaint as against the *de facto* complaint, which was registered as Crime No.42 of 2023 by the J-13 Tharamani Police

Station on 25.02.2023. But, later, the case was closed as “mistake of fact”. However, thereafter, based on the protest petition filed by the petitioner, it was reopened by the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, by order dated 15.12.2023 in R.C.S.No.2 of 2023, and the learned Magistrate has ordered the Assistant Commissioner of Police to monitor the investigation and file a report within 60 days.

6.Learned counsel for the petitioner submits that, in view of the compromise, the petitioner herein, who is the *de facto* complainant in Crime No.42 of 2023, is not willing to proceed against the 2nd respondent herein and he has no objection to quash the same.

7.Accordingly, the parties have filed a joint memo of compromise, dated 18.06.2026, signed by both the petitioner and the 2nd respondent in the presence of their respective counsel, stating that the parties, upon their free will and accord, have settled the matter amicably and the 2nd respondent has no objection to quash the case in C.C.No.1068 of 2023 pending against this petitioner and other accused; and the petitioner has no objection to quash the FIR in Crime No.42 of 2023 pending against the 2nd respondent herein. The joint compromise memo, is scanned and reproduced hereunder :



WEB COPY

1

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Side Jurisdiction)

Crl. O.P. No. 6633 of 2026

Against

C.C. No. 1068 of 2023

(On the file of Learned IX Metropolitan Magistrate at Saidapet, Chennai)

J. Caleb Manoah, (M/A- 22 Years)
S/o B. Joshua Suresh Devanesan,
G-2, Ground Floor, C-Block,
Mahalakshmi Apartments,
59, Nathamuni Street, Oragadam, Ambattur,
Chennai - 600 053.

... Petitioner/Accused-1

Versus

1. State Rep by
The Circle Inspector of Police (Railways),
Railway Police Station, Thiruvanmiyur,
Egmore Railway Police Circle,
Egmore, Chennai - 600 008.

... 1st Respondent/Complainant

2. Rohit Kumar, Male/22 years,
Son of Chandrasekar,
No.125, Jaganathan Nagar,
Villivakkam, Chennai - 600 049.

... 2nd Respondent/Defacto Complainant

JOINT MEMO OF COMPROMISE FILED BY THE PETITIONER
AND DEFACTO COMPLAINANT

The above named parties submit as follows:-

The petitioner and the defacto complainant are jointly hereinafter referred as "parties".

1. It is submitted that the petitioner is a Law College Student just finished his final year B.Com, L.L.B., course in School of Excellence in Law at The Tamil Nadu Dr. Ambedkar Law University, Taramani, Chennai. The case has been registered in Crime No. 12 of 2023 for the offences under Sections 147, 148, 294(b), 341, 352 and 506(ii) IPC against 6 persons in which the petitioner is A1-Caleb Manoah, A2-Vinoth, A5-Sowmith and A6-Akash are law college students of The Tamil Nadu Dr. Ambedkar Law

Caleb Manoah. J
Petitioner

[Signature]
Defacto - complainant



WEB COPY

University-School of Excellence, Chennai(S.O.E.L.), A-3,Sriram is student at Presidency College Chennai and A4 – Santhosh is a student at Government Ambedkar Arts College and charge sheet is filed and the case is registered in C.C. No. 1068 of 2023 on the file of IX Metropolitan Magistrate, Saidapet for the offences under Sections 147, 148, 294(b), 341, 352, 506(ii) read with 109 and 34 of IPC.

2. It is submitted that the above case is registered based on the complaint lodged by Rohit Kumar (LW1) the defacto complainant herein who is a law college student completed final year B.BA., LL.B., at The Tamil Nadu Dr. Ambedkar Law University - School of Excellence in Law, Chennai.

3. It is submitted that on 09.02.2023, this petitioner had lodged a complaint before the Inspector of Police, J-13, Taramani Police Station, Taramani, Chennai and based on the said complaint a case had been registered in Crime No. 42 of 2023 for the alleged offences Under Sections 342, 352 and 506(i) of IPC. In the said case the Rohit Kumar - A1, Mukesh – A2, Sridhar – A3, Jaga – A4, Sivanesh Muthupandi - A5, Vicky – A6 and Angelina Blessy – A7.

4. It is submitted that this petitioner had filed the main petition for the relief namely "to call for records relating to in C.C. No. 1068 of 2023 on the file of the Learned IX Metropolitan Magistrate, Saidapet, Chennai and quash the same". Pending the same the petitioner and the defacto complainant had decided to settle the issue amicably by entering into this Joint Memo of Compromise, upon the advice of elders and well-wishers of the parties by considering their future.

5. It is submitted that the parties belong to the same college and are batch-mates. The defacto complainant brings to the knowledge of this Hon'ble Court that the petitioner had not been present at the scene of occurrence and similarly not involved

Calib Manoj . J
Petitioner

De-facto complainant



WEB COPY

in any crime as alleged in C.C. No. 1068 of 2023. The defacto complainant having misconceived the fact had lodged a complaint as against this petitioner and others.

6. It is submitted that this petitioner brings to the knowledge of this Hon'ble Court that the case in Crime No.42 of 2023 the Investigation officer had filed a report before the Learned XVIII Metropolitan Magistrate, Saidapet, stating that the said case is a Mistake of Fact (MF) and R.C. Notice had been served upon him, this petitioner upon receipt of R.C. Notice, he had filed a protest petition before the Learned XVIII Metropolitan Magistrate, Saidapet and on 15.12.2023 the Learned Magistrate had allowed the same and an order in R.C.S.No. 02 of 2023 in Crime No.42 of 2023 had been passed

"directing the concerned Assistant Commissioner of Police to watch the investigation and direct to concerned Inspector of Police and investigate according to law and submit report within 60 days from the date of receipt of order"

and after direction of the court to the police had started the investigation in Crime No.42 of 2023 and the same is pending till date.

7. It is submitted that the defacto complainant and others were not involved in the crime as alleged by him and hence this petitioner hereby undertakes, that not to proceed with the case in Crime No. 42 of 2023 pending on the file of J-13, Taramani Police Station and therefore wish to drop the prosecution initiated by this petitioner and has no objection in the case being closed as Mistake of Fact.

8. It is submitted that the defacto complainant has no objection in quashing the case in C.C. No. 1068 of 2023 pending on the file of Learned IX Metropolitan Magistrate, Saidapet as against this petitioner and other accused, owing to the above said facts.

Caleb Marzan .J
Petitioner

Q. Shilpa
Defacto-Complainant



WEB COPY

4

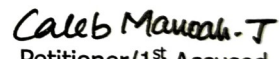
9. It is submitted that the petitioner has no objection in closing the investigation as Mistake of Fact in Crime No. 42 of 2023 pending on the file of J-13, Taramani Police Station as the matter is settled amicably and compromised between the parties.

10. This Joint Compromise Memo is entered between the parties upon their free own will and accord and there is no force or coercion in entering into this Joint Compromise Memo. The parties having read over the contents of this Joint Compromise Memo and then having understood the same had signed in this Joint Memo.

Therefore it is humbly prayed that this Hon'ble Court may be pleased to record this Joint Memo of Compromise and dispose of the main petition in Crl. O.P. No. 6633 of 2026 and thus render justice.

Dated at Chennai on this the 18th day of June 2026


Counsel for Petitioner / 1st Accused


Petitioner/1st Accused


Counsel for 2nd Respondent/Defacto Complainant


2nd Respondent/Defacto Complainant

8. Today, the petitioner (A1) and the 2nd respondent / *de facto* complainant appeared before this Court and they are identified by their respective counsel.

In support of their joint compromise memo, they reiterated that they have no

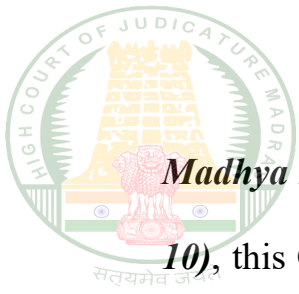


objection for quashing both the cases pending against each other.

WEB COPY

9. One important 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 accused. 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.

10. However, considering the facts of the case, it can be seen that the offence in question is purely individual in nature and the parties themselves have now come forward to settle the matter amicably. Therefore, quashing the proceedings will not affect any overriding public interest in this case and no useful purpose will be served in continuing the criminal proceedings. After exercising due caution as advised by the Hon'ble Supreme Court in *The State of*



Madhya Pradesh v. Dhruv Gurjar and Another reported in ***(2019) 2 MLJ Crl***

10), this Court, in exercise of its jurisdiction under Section 482 Cr.P.C./Section 528 BNSS, is inclined to quash the proceedings pending against the accused.

11. In view of the above and in the light of the joint compromise memo filed by the parties, the criminal proceedings in C.C.No.1068 of 2023 on the file of the IX Metropolitan Magistrate Court at Saidapet, Chennai, as against all the accused persons, is hereby quashed. The case in Crime No.42 of 2023 on the file of J-13 Tharamani Police Station, is also hereby quashed. Accordingly, this Criminal Original Petition is allowed. The joint compromise memo filed by the parties shall form part of the records. Consequently, connected miscellaneous petitions are closed.

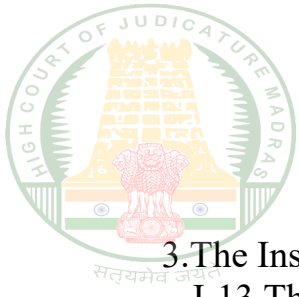
18-06-2026

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

MKN

To

1. The IX Metropolitan Magistrate,
Saidapet, Chennai.
2. The Circle Inspector of Police (Railways),
Railway Police Station,
Thiruvanmiyur,
Egmore Railway Police Circle,
Egmore,
Chennai-600008.



3. The Inspector of Police,
J-13 Tharamani Police Station
Tharamani,
Chennai.

4. The Public Prosecutor,
High Court, Madras.



WEB COPY

CRL OP No. 6633 of 2



M.NIRMAL KUMAR J.

MKN

CRL OP No. 6633 of 2026

18-06-2026