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Crl.O.P. No.11360 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2026

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P. No. 11360 of 2026

1. Kamalesh
2. Dawoothar

..Petitioners

Vs.

1. State rep. by
Inspector of Police,
F-1, Chintadripet Police Station,
Triplicane District,
Chennai – 600 002.

2. Parvathy

..Respondents

Prayer: Criminal Original Petition filed under Section 528 of BNSS to call for records in Crime No. 48 of 2025 dated 28.01.2025 on the file of the 1st respondent and quash the entire criminal proceedings in Crime No. 48 of 2025 based on the compromise.

For Petitioners :: Mr.B. Poul

For Respondents :: Mr.R. Rajasekaran
Counsel for Govt. of Tamil Nadu
(Crl.Side) for R1



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ORDER

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The present criminal original petition is filed to call for records in Crime No. 48 of 2025 dated 28.01.2025 on the file of the 1st respondent and quash the entire criminal proceedings in Crime No. 48 of 2025 based on the compromise between the parties.

2. The case of the prosecution is that on 27.01.2025, the brother of the 2nd respondent, namely, Adhishesan, who is a 1st year BA English Student at Government Arts and Science College, Nandanam, is said to have been assaulted by a group of New College Students, when he was on his way home in a Metropolitan Transport bus. Based on the complaint lodged by the 2nd respondent/de facto complainant, the 1st respondent registered a case in Crime No. 48 of 2025 for offences under Sections 191(2), 296(b), 118(1), 351(3) and 190 of BNS against the petitioners.

3. Learned counsel for the petitioners submitted that the incident occurred due to misunderstanding and miscommunication between students of different colleges and there was no deep-rooted enmity or malicious intent behind the incident. The petitioners have also expressed sincere regret and apology for any hurt, injury or trauma caused to the



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victim. Learned counsel would further submit that the pendency of the proceedings would affect the educational and career prospects of the petitioners.

4. Learned counsel for the 2nd respondent would submit that the incident had occurred due to a misunderstanding between college students and the petitioners have expressed their sincere apologies for their conduct to the 2nd respondent and the victim, which has been accepted by them.

5. Heard the learned counsel for the parties and perused the materials on record.

6. The case is at the stage of investigation. Since the parties now amicably settled the issue among themselves, they seek to quash the proceedings pending against the petitioners. Affidavits and a Joint Compromise Memo have been filed.

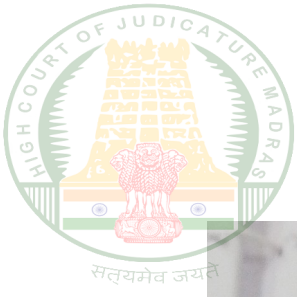
7. The petitioners, the *de facto* complainant/R2 and the victim appeared before this Court and were identified by their respective counsel as well as by K. Sanjeevi, SI, F-1, Chintadripet Police Station, Triplicane District, Chennai – 600 002.



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8. On being enquired by this Court, the *de facto* complainant and the victim stated that they have amicably settled the dispute with the petitioners and they are not willing to pursue the criminal proceedings and therefore, seek to quash the same.

9. The Joint Memo of compromise dated 06.04.2026 filed by the parties is scanned and reproduced below:



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IN THE HIGH COURT OF JUDICATURE AT MADRAS
(CRIMINAL JURISDICTION)

Crl. O.P. No. 11360 of 2026
In
Crime No. 48 of 2025
(On the file of the 1st Respondent)

1. Kamalesh, (M/20)
S/o. Vijayakumar
No. 138, Lakshmi Amman Koil Street
Voyalur
Tiruvallur - 601 203.

2. Dawoothar 4543
S/o. Mabu Basha
No. 387, Karayar Street
Pulicat
Tiruvallur - 601 205.

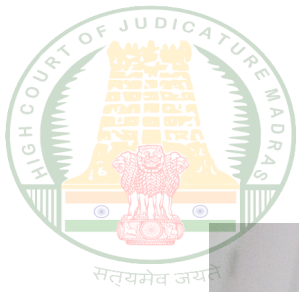
...Petitioners/Accused

-Vs-

1. State Rep by: -
Inspector of Police
F-1, Chintadaripet Police Station,
Triplicane District
Chennai-600 002.

...Respondent/ Complainant

2. Parvathy F/26
D/o. Sampath
No. 2/431, South Big Street
Mudur Village & Post



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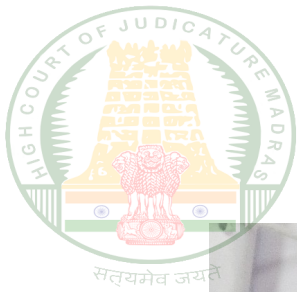
Arakkonam Taluk
Ranipet District- 631003.

...Respondent/de facto Complainant

**JOINT COMPROMISE PETITION FILED BY THE PETITIONER
AND THE 2nd RESPONDENT AND VICTIM**

The Petitioners/Accused and 2nd Respondent and Victim most respectfully submit as follows:

1. That Crime No. 48 of 2025 was registered at F-1, Chintadaripet Police Station, Chennai, based on the complaint lodged by the 2nd Respondent alleging assault on the victim by New College students.
2. That the case of the prosecution is that on 27.01.2025, the second respondent's brother, namely Adhisheshan, who is a first-year BA English student at the Government Arts and Science College in Nandanam, after finishing classes, was travelling home on a Metropolitan Transport bus when he was assaulted by a group of New College students who boarded the bus. Following this incident, his sister, the de facto complainant, filed a complaint. Hence, the first respondent police had registered a case against the accused in Crime No. 48 of 2025 for the alleged offences under Sections 191(2), 296(b), 118(1), 351(3), and 190 of the BNS.
3. That all parties have realized that the incident arose out of a misunderstanding and miscommunication between students of different colleges, without any deep-rooted enmity or malicious intent. The Petitioners have expressed their sincere regret and unconditional apology to the 2nd Respondent and the victim for the incident, and they have accepted the same in good faith.



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4. That the 2nd Respondent and the victim, being magnanimous and considering the future prospects of the Petitioners who are young students, have voluntarily agreed to forgive the Petitioners and have no objection to the quashing of Crime No. 48 of 2025.

5. That the compromise has been arrived at voluntarily, without any coercion, undue influence, threat, or pressure from any quarter, and with the free will and consent of all parties concerned.

6. That the parties have mutually agreed to maintain peace and harmony and not to initiate any civil or criminal proceedings against each other in relation to the said incident.

Therefore, it is most respectfully prayed that this Hon'ble Court may be pleased to Call for the records in Crime No. 48 of 2025 registered at F-1, Chintadaripet Police Station, Chennai Quash the entire criminal proceedings in Crime No. 48 of 2025 based on the compromise arrived at between the Petitioners and 2nd Respondent and the victim and pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case, and thus render justice.

Dated at Chennai on this 06th day of April 2026.

V. V. S. J.
1st Petitioner

M. Dhanraj
2nd Petitioner

J. V. S. J.
2nd Respondent

R. Athi Sesh
Victim



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10. Learned Government Counsel 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.

11. 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



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interest even if they get settled between the parties, cannot be quashed by this Court.

12. In the present case, the offences in question are purely individual/personal in nature. It involves dispute between the petitioners and the 2nd respondent and the victim and quashing the proceedings will not affect any overriding public interest in this case. Under such circumstances, no useful purpose will be served in keeping the First Information Report pending, even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in **2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujarat)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the First Information Report in Crime No.48 of 2025, on the file of the 1st respondent Police.

13. This Criminal Original Petition stands allowed and as a sequel, the investigation in Crime No.48 of 2025, on the file of the 1st respondent police, is quashed.



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M. NIRMAL KUMAR,J.

nv

14. The affidavits and the Joint Memo of Compromise dated 06.04.2026 filed by the petitioners, the 2nd respondent and the victim for compromising the offences shall form part of the records.

05.06.2026

nv

To

1. Inspector of Police,
F-1, Chintadripet Police Station,
Triplicane District,
Chennai – 600 002.
2. The Public Prosecutor, High Court,
Madras.

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