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CRL OP No. 10765 of 2



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 28-04-2026**

**CORAM**

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

**CRL OP No. 10765 of 2026**

**and**

**CrL.MP.No.7629 of 2026**

Kubera Gupta K.G  
S/o Govardhana Gupta,  
No.213/66, Govindappa Naicker Street,  
Sevenwells, Chennai.

..Petitioner(s)

Vs

1. The State Rep By, The Inspector of Police  
Sriperumbudur Police Station,  
Kancheepuram.Crime No.607 of 2025

2. P.Daniel  
S/o Paul Israel,  
No.9/36, Vishveshvarayya Street,  
Suriyakulam, Arani,  
Tiruvannamalai District.

..Respondent(s)

**PRAYER:** This criminal original petition filed under Section 528 of BNSS to call for the records relating to the FIR in Crime No.607 of 2025 pending investigation on the file of the 1<sup>st</sup> respondent, quash the same by allowing this criminal original petition and pass such further or suitable order as this Honourable Court deems fit and proper in the circumstances of the case and thus render justice.



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For Petitioner(s):

Mr.V.Anandhamurthy

For Respondent(s):

Mr.LEONARD ARUL JOSEPH SELVAM  
ADDITIONAL PUBLIC PROSECUTOR for R1Mr.S.Kousik  
for R2**ORDER**

The petitioner/accused in crime No.607 of 2025 for offences under Sections 281 and 125(a) of BNS, 2023, filed this quash petition.

2.The case against the petitioner is that on 19.10.2025 at about 4.45 p.m. the defacto complainant along with his family members, was travelling from his native place to Chennai in Bengaluru to Chennai Highway in his vehicle bearing registration No.TN-97-D-2232. When the defacto complainant's car reached near Mambakkam at about 7.30. p.m. a car bearing registration No.TN-04-BA-4367 came from behind at a high speed in a rash and negligent manner and hit his car. Due to the impact, the defacto complainant's car lost control and fell into a ditch on the left side of the road. In the accident, the defacto complainant sustained severe head injuries with bleeding and serious internal injuries on his right shoulder and left leg. Hence, the complaint.



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3.The contention of the learned counsel for the petitioner is that it is a road accident and the accident happened in an unexpected manner during the night hours. There is no intentional act on the part of the petitioner. Based on the complaint given by the defacto complainant, FIR in crime No.607 of 2025 registered against the petitioner, who is the owner of the vehicle. It is further submitted that the petitioner had given adequate compensation to the defacto complainant and undertakes to take care of the defacto complainant's well-being as his brother and provide necessary financial assistance for his medical needs and recovery until he fully recuperates and the defacto complainant also accepts the same.

4.The learned counsel appearing for the petitioner as well as the learned counsel for the second respondent submitted that it is a road accident and that on the advice of elders, the parties have now amicably settled the issue among themselves. Hence, they seek to quash the proceedings pending against the petitioner and in this regard, compromise entered between them and they produced a joint compromise memo, which is scanned and extracted hereunder:



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

Crl.O.P. No. 10765 of 2026

Against  
Crime No. 607 of 2025

[ON THE FILE OF SRIPERUMBUDUR POLICE STATION, KANCHEEPURAM DISTRICT]

Kubera Gupta. K. G., M/35 years,  
S/o. Govardhana Gupta,  
No.213/66, Govindappa Naicker Street,  
Sevenwells,  
Chennai -600001.

...Petitioner/Accused

-Versus-

1. The State rep. by Inspector of police,  
Sriperumbudur Police Station,  
Crime No. 607 of 2025  
Kancheepuram District.

...1<sup>st</sup> Respondent/Complainant

2. P. Daniel, M/ 42 Years,  
S/o. Paul Israel,  
No.9/36, Vishveshvarayya Street,  
Suriyakulam, Arani,  
Tiruvannamalai District.

...2<sup>nd</sup> Respondent/Defacto-Complainant

**JOINT MEMO OF COMPROMISE FILED BY THE PETITIONER/ACCUSED  
AND 2<sup>ND</sup> RESPONDENT/DEFACTO COMPLAINANT**

a. That according to the prosecution, the de facto complainant/2<sup>nd</sup> respondent, P. Daniel, was travelling to Chennai from his native place on 19.10.2025, at the time of 7.30 P.M. the defacto complainant reached near Mambakkam, the petitioner/accused car bearing registration number TN-04-BA-4367 was driven by accused in a rash and negligent manner, came from behind and dashed against the vehicle of the de facto complainant. Based on this version, the present complaint has been lodged.

P. Daniel

[Signature]



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b. That the 1<sup>st</sup> respondent police registered a case in Crime No. 607 of 2025 against the petitioner for the alleged offences under Sections 283, and 125(a) of the Bharatiya Nyaya Sanhita, 2023, based on a complaint lodged by one P. Daniel.

c. That it is mutually acknowledged that the de facto complainant sustained injuries, including bleeding injuries on his head, right shoulder, and left leg during the accident. The petitioner, in order to maintain peace and preserve between both the parties, has adequately compensated the de facto complainant for the said injuries, and the de facto complainant acknowledges full and complete receipt of such compensation.

d. That the petitioner/accused further undertakes before this Hon'ble Court that he shall take care of the de facto complainant's well-being as his brother and shall provide necessary financial assistance for his medical needs and recovery, as may be required, until he fully recuperates. The de facto complainant accepts this undertaking.

e. The petitioner/accused has also handed over a Demand Draft Bearing No. 010420 dated 06.04.2026 in favour of the de facto complainant, and the de facto complainant hereby acknowledges and accepts the same towards full and final settlement of all claims arising out of the said incident.

f. The de-facto complainant submits that the accident occurred due to unforeseen circumstances during night hours and without any deliberate intention on the part of the petitioner/accused. He further submits that he has no subsisting grievance against the petitioner/accused and does not wish to pursue the complaint any further. He has also executed an affidavit expressing that he has no objection to any relief sought by the petitioner, including quashing of the FIR in Crime No. 607 of 2025 on the file



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of the Sriperambudur Police Station, Kancheepuram District against the  
petitioner.

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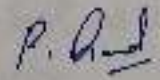
g. That the parties submit that with the intervention of well-wishers, the issue has now been amicably resolved. Both sides desire to restore the peace between themselves and continue to live harmoniously without further issues and accordingly they have entered into this joint memo of compromise and also undertake to enter a separate joint memo of compromise in respect of Crime No. 607 of 2025.

h. That the dispute is purely unavoidable accident and personal in nature and continuation of the proceedings would serve no useful purpose. the parties jointly request this Hon'ble Court to kindly record the present joint compromise and pass appropriate orders, including quashing of the FIR or closure of the proceedings, in the interest of justice. Both parties declare that this joint compromise is voluntary, without coercion, threat, or undue influence, and entered into out of their free will with the intention of preserving themselves into unity without any further issues.

i. Both parties further agree that they shall not interfere with each other's peaceful life in future and shall not initiate any further legal proceedings against each other in respect of the present issue.

Dated at Chennai, on this the 8<sup>th</sup> day of April, 2026

  
**KUBERA GUPTA, M/A 35 Years**  
(Petitioner/Accused)

  
**P. Daniel, M/A 42 Years**  
(2<sup>nd</sup> Respondent/  
De-facto Complainant)



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

6. The case is still at the stage of investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

7. The petitioner and the second respondent appeared before this Court and were identified by their respective counsel as well as by Mr.R.Padmanaban, SSI, C1 Sriperumbudur Police Station, Kancheepuram District.

8. On being enquired by this Court, the second respondent stated that he has amicably settled the dispute with the petitioner and he is not willing to pursue the criminal proceedings against the petitioner and therefore, seeks to quash the same.

9. The 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 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 petitioner. 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 a road accident and the defacto complainant had injuries. For the said injuries, the petitioner had given adequate compensation and undertakes to take care of the defacto complainant well being as his brother and provide necessary financial assistance for his medical needs and recovery until he fully recuperates. 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 proceedings pending against the petitioner in crime No.607 of 2025 on the file of the first respondent police.

12. Accordingly, this Criminal Original Petition stands allowed and the proceedings in Crime No.607 of 2025 pending on the file of the first respondent police, is quashed as against the petitioner.

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

**28-04-2026**

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

To

1. The Inspector of Police  
Sriperumbudur Police Station,  
Kancheepuram. Crime No.607 of 2025.
2. The Public Prosecutor  
High Court, Madras.



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**M.NIRMAL KUMAR, J.**

sms

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**28-04-2026**