

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

**DATED: 05-06-2026**

**CORAM**

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

**CRL OP No. 14355 of 2026**

1. Selvakumar S/o. Chinnaraj,  
No.12, East, Padhandalavadi,  
Kandhili, Tirupattur Taluk and District.
2. Sudhakar S/o. Govindaraj,  
No.5/191, Kilaku Vattam,  
Periya Kunichi, Tirupattur District.
3. Senthilkumar S/o. Munusamy,  
No.103(2), Subramani Kovil Street,  
Adhiyur Village,  
Tirupattur Taluk and District.
4. Kaliyappan S/o. Raji,  
No.5/118, Athumedu,  
Adhiyur,  
Tirupattur Taluk and District.

..Petitioner(s)

Vs

1. State Rep. by  
The Deputy Superintendent of Police  
Tirupattur, Tirupattur District.
2. The Inspector of Police  
Kandhili Police Station,  
Tirupattur District.  
Crime No.351/2025
3. A.J. Sakthi @ Sakthivel S/o. Jayaraman,  
Ambedkar Nagar, Adhiyur Village and Post,  
Tirupattur Taluk and District.

..Respondent(s)

**PRAYER:** The criminal original petition filed under Section 528 of BNSS 2023, to call for the records pending on the file of the 2<sup>nd</sup> respondent police namely the Inspector of Police, Kandhili Police Station, Tirupattur District in Crime No.351/2025 and quash the Criminal proceeding and pass such further or other orders as this Hon'ble Court.

For Petitioner(s): Mr.E.Kannadasan

For Respondent(s): M/S.R. RAJASEKARAN GA (CRL. SIDE) for R1 and R2

**ORDER**

The petitioners/accused in crime No.351 of 2025 for offences under Sections 296(b), 303(2), 324(4), 351(2) of BNS, 2023 and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST Prevention of Atrocities Act, 1989 filed this quash petition.

2.The case of the prosecution is that 9 years prior to the occurrence, the defacto complainant's political party flag post was erected in the Government Porambaokku land at Adhiyur Panchayath, Alamarathu Vattam and one Govindasamy S/o.Pandurangan, Bharathi, S/o.Narasimman's are the adjacent land owners of the said Government Poramboku land. While so on 25.12.2025 at about 10.30 a.m. the petitioners 1 & 2 and 10 unknown persons were joined together demolished the flag post pedestal by using JCB and levelled into the

ground and threatened them that if anyone erected the flag post from the said land, they will do away them, since they were purchased the land from the said Govindasamy and Bharathi and also scolded them with filthy language by using their cast name in the public view and also taken away the flag post. Hence, lodged a complaint. Based on the complaint, the respondent police registered a case in crime No.351 of 2025 for the offences under Sections 296(b), 303(2), 324(2), 351(2) of BNS 2023 and Section 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989.

3.The learned counsel appearing for the petitioners submitted that during investigation, the 2<sup>nd</sup> respondent police came to know that the petitioners 3 & 4 were abated the petitioners 1 & 2 , hence, they were arrested, subsequently, they were enlarged on bail. After coming out on bail, they approached the district party leader of the defacto complainant and he advised the defacto complainant to withdraw the complaint. Thereafter, panchayat convened and advised the defacto complainant to settle the issue in an amicable manner, since both the petitioners and the defacto complainant are residing in a same village if the the defacto complainant proceed the case further, there may be a chance to lead communal clasher between two groups of their village, hence, the defacto complainant agreed to withdraw the complaint. In view of the same, they entered into a Joint Compromise memo, which was scanned and reproduced hereunder:

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

CrI.O.P.No. 14355 of 2026  
in

Crime No. 351 of 2025

(On the file of the Inspector of Police, Kandhili  
Police Station, Tirupattur District.)

1.SELVA KUMAR, Male/aged about 35 years,  
S/o.Chinnaraj,  
No.12, East, Padhandalavadi,  
Kandhili,  
Tirupattur Taluk & District.

2.SUDHAKAR, Male/aged about 44 years,  
S/o.Govindaraj,  
No.5/191, Kilaku Vattam,  
Periya Kunichi,  
Tirupattur District.

3.SENTHILKUMAR, Male/aged about 44 years,  
S/o.Munusamy,  
No.103(2), Subramani Kovil Street,  
Adhiyur Village,  
Tirupattur Taluk & District.

4.KALIYAPPAN, Male/aged about 58 years,  
S/o.Raji,  
No.5/118, Athumedu,  
Adhiyur, Tirupattur Taluk & District. ...petitioners/accused 1 to 4

vs. ...respondent/accused

1.The State Rep. by The Deputy Superintendent of police,  
Tirupattur, Tirupattur District.

2.State Rep. by The Inspector of Police,  
Kandhili Police Station,  
Tirupattur District. ... Respondent/Complainant  
(Crime.No.351/2025)

3.A.J.SAKTHI @ SAKTHIVEL, Male/aged about 44 years,  
S/o.Jayaraman,  
Ambedkar Nagar,  
Adhiyur Village & Post,  
Tirupattur Taluk & District.

Defacto  
... Respondent/Complainant

1. C. Subbay.

2. M. ...

2. G. ...

4. R. ...

A.J. Sakthivel (2nd respondent)

The petitioners/accused and the 3<sup>rd</sup> respondent/defaulto complainant are begs to submit as follows:-

2. The petitioners/accused and the 3<sup>rd</sup> respondent/defacto complainant submit that after coming out on bail, the petitioners approached the district party leader of the 3<sup>rd</sup> respondent and requested them to advise the 3<sup>rd</sup> respondent/defacto complainant to withdraw the complaint preferred against them and thereafter they convened panchayath and advised the 3<sup>rd</sup> respondent/defacto complainant to settle the issue in an amicable manner, since both the petitioners and

2. ம. அன்பரசன்

A. J. Sakford<sup>4</sup>.

4. R. D. B. (2nd respondent)

3

the 3<sup>rd</sup> respondent are residing in a same village if the 2<sup>nd</sup> respondent proceed the case further, there may be a chance to lead communal clashe between two groups of their village hence the 3<sup>rd</sup> respondent agreed to withdraw his case. Hence, they have voluntarily come forward and filing this joint compromise memo without any coercion or undue influence.

It is therefore prayed that this Hon'ble court may be pleased to accept the joint compromise memo filed by the petitioners/ accused and the 3<sup>rd</sup> respondent/defcto complainant and dispose the quash petition filed by the petitioners/accused in CrI.O.P.No. /2026 in Crime.No.351/2025 pending on file of the Inspector of Police, Kandhili Police Station, Tirupattur District and pass such further or other orders and thus render justice.

Dated at Madras this the day of June 2026

1. C. Dehany .
2. G. G. G. G.
3. M. G. G. G.

4. R. G. G. G.  
PETITIONERS/ACCUSED

A. J. G. G.  
2<sup>nd</sup> RESPONDENT/DEFACTO  
COMPLAINANT

COUNSEL FOR PETITIONERS/  
ACCUSED

COUNSEL FOR 2<sup>ND</sup> RESPONDENT/  
DEFACTO COMPLAINANT

4.The learned Govt. Advocate (Crl.Side) appearing for the first respondent submitted that the parties are same villagers and the dispute is with regard to flag post. 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.

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 petitioners and the de facto complainant/R3 appeared before this Court and were identified by their respective counsel as well as by Mr.d.Venkatyan, SSI, Kandili Police Station, Tirupattur.

8.On interaction by this Court, the defacto 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.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.

10.In the present case, the offences in question are purely individual/personal in nature. It involves dispute between the petitioner and the second respondent defacto complainant 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.351 of 2025 on the file of the second respondent police.

11. Accordingly, this Criminal Original Petition stands allowed and the proceedings in Crime No.351 of 2025 pending on the file of the second respondent police, is quashed as against the petitioners.

12. The affidavits and the Joint Compromise Memo filed by the petitioner and the third respondent defacto complainant for compromising the offences shall form part of the records.

**05-06-2026**

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

sms

To

1. The Deputy Superintendent of Police  
Tirupattur, Tirupattur District.
2. The Inspector of Police  
Kandhili Police Station,  
Tirupattur District.  
Crime No.351/2025
3. The Public Prosecutor  
High Court, Madras.

**M.NIRMAL KUMAR, J.**

sms

**CRL OP No. 14355 of 2026**

**05-06-2026**