



WEB COPY



CrI.O.P.No.32220 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2026

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.32220 of 2025
and CrI.M.P.No.22328 of 2025

1. Varatharaj @ Raja
2. Vinothkumar
3. Santhanakumar
4. Kannan
5. Vellaisamy @ Muthan
6. Kumaravel ... Petitioners

Vs.

1. The State of Tamil Nadu,
The Inspector of Police,
Kangayam Police Station,
Tiruppur District.
2. Rajeswari ... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to call for the entire records, quash the final report in S.C.No.182 of 2024, on the file of the learned III Additional District and Sessions Judge, Dharapuram, as against the petitioners.



CrI.O.P.No.32220 of 2025

For Petitioners : Mr.V.Regunathan
For R1 : Mr.K.M.D.Muhilan
Additional Public Prosecutor
For R2 : Mr.P.Thirupathi Raj

ORDER

The present Criminal Original Petition has been filed seeking to quash the proceedings in S.C.No.182 of 2024 on the file of the learned III Additional District and Sessions Judge, Dharapuram, pending against the petitioners, on the basis of the compromise arrived at between the petitioners and the *de facto* complainant/second respondent.

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

3. Based on the complaint given by the *de facto* complainant/R2, a case in Crime No.641 of 2019 was registered on the file of the first respondent Police against the petitioners, for the offences under Sections 294(b), 323, 363 and 506(ii) of the IPC and later altered into one under Sections 147, 148, 294(b), 323, 324, 363 and 506(ii) of the IPC. After completion of investigation, the final report was filed and the same was taken cognizance of on the file of the learned III Additional District and

2/7



CrI.O.P.No.32220 of 2025

Sessions Judge, Dharapuram, in S.C.No.182 of 2024, which is now sought to be quashed.

4. Learned counsel appearing for the petitioners as well as for the second respondent/*de facto* complainant submitted that on the advice of elders, the parties have now amicably settled the issue among themselves. Hence, they seek to quash the First Information Report as against the petitioners. Affidavits and Joint Memo of Compromise to that effect have also been filed.

5. The petitioners and the *de facto* complainant/R2 appeared before this Court and they were identified by their respective counsel as well as by Mr.D.Subramaniam, SSI 1286, Kangayam Police Station.

6. On being enquired by this Court, the *de facto* complainant stated that she has amicably settled the dispute with the petitioners and she is not willing to pursue the criminal proceedings and therefore, seeks to quash the same.

7. Learned Additional Public Prosecutor appearing on behalf of the first respondent submitted that though the parties have entered into a



Crl.O.P.No.32220 of 2025

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.



CrI.O.P.No.32220 of 2025

WEB COPY

9. In the present case, the offences in question are purely individual/personal in nature. It involves dispute between the petitioners 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 impugned proceedings in S.C.No.182 of 2024 pending against the petitioners, in exercise of its jurisdiction under Section 482 Cr.P.C./Section 528 BNSS.

10. Accordingly, this Criminal Original Petition stands disposed of and the proceedings in S.C.No.182 of 2024, pending on the file of the learned III Additional District and Sessions Judge, Dharapuram, is quashed as against the petitioners, on condition that the petitioners pay a sum of **Rs.5,000/- (Rupees Five Thousand only) each** as costs to the Tamil Nadu State Legal Services Authority (TNSLSA), High Court Campus, Chennai – 600 104, within a period of two (2) weeks from the date of receipt of a copy of this order.



Crl.O.P.No.32220 of 2025

11. The affidavits 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 miscellaneous petition is closed.

22.01.2026

ham

Neutral Citation: Yes/No

To

1. The III Additional District and Sessions Judge,
Dharapuram.
2. The Inspector of Police,
Kangayam Police Station,
Tiruppur District.
3. The Member Secretary,
The Tamil Nadu State Legal Services Authority (TNSLSA),
High Court Campus, Chennai.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



CrI.O.P.No.32220 of 2025

A.D.JAGADISH CHANDIRA, J.

ham

***CrI.O.P.No.32220 of 2025
and CrI.M.P.No.22328 of 2025***

22.01.2026