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Crl.O.P.No.33907 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2026

CORAM:

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

Crl.O.P.No.33907 of 2025

1. Elavarasu

2. Ezhilan

... Petitioners

Vs.

1. State Rep. by,
The Inspector of Police,
Puzhal Police Station,
Tiruvallur District.
(Crime No.730 of 2025)

2. Gopinath

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records and quash the FIR in Crime No.730 of 2025, on the file of the first respondent police.

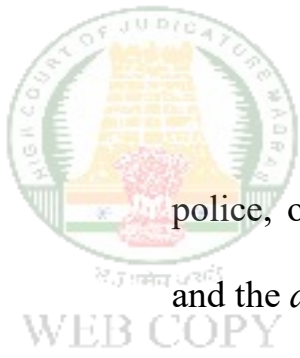
For Petitioners : Mr.S.Amarnath

For R1 : Mr.S.Santhosh
Government Advocate (Criminal Side)

For R2 : Mr.B.Pachaiyappan

ORDER

The present Criminal Original Petition has been filed to quash the proceedings in Crime No.730 of 2025, on the file of the first respondent



CrI.O.P.No.33907 of 2025

police, 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, the aforesaid case in Crime No.730 of 2025 was registered on the file of the first respondent Police against the petitioners, for the offence under Section 106(1) of BNS, 2023.

4. Learned counsel appearing for the petitioners submitted that the first petitioner is the uncle of the second petitioner, who is the owner of the property. The first petitioner, who is supervising the construction work of the house of the second petitioner, engaged the service of one Sundar, father of the *de facto* complainant, for attending plumbing work. While attending the plumbing work, the said Sundar fell down from the ladder and sustained injuries and subsequently, died. He further submitted that there was no negligence on the part of the petitioners. Whereas, on the complaint given by the *de facto* complainant that there was negligence on the part of the petitioners, the aforesaid case in Crime No.730 of 2025 was registered.



The second respondent is not an eye witness to the occurrence and he had, without understanding the actual incident, given the complaint. However, later on, coming to know that the petitioners are not responsible for the incident, the *de facto* complainant has agreed to withdraw the complaint and he has expressed his intention not to pursue the matter further. The petitioners have paid a sum of Rs.60,000/- (Rupees Sixty Thousand only) to the *de facto* complainant as compensation.

5. Learned counsel appearing for the second respondent/*de facto* complainant submitted that the second respondent is not an eye witness to the occurrence. However, without understanding the actual fact, he had given the complaint as if there was negligence on the part of the petitioners, based on which, the case was registered. Now, he understood that the petitioners are not responsible for the accident and hence, compromised the matter with the petitioners.

6. Learned counsel appearing for the petitioners as well as for the *de facto* complainant submitted that the parties have now amicably settled the issue among themselves and arrived at a compromise. Hence, they seek to quash the proceedings pending against the petitioner. Affidavits and a Joint Compromise Memo to that effect have also been filed.



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7. The petitioners and the *de facto* complainant/R2 appeared before this Court and were identified by their respective counsel as well as by Mr.L.Sreenivasan, Gr.I, PC 65060, Puzhal Police Station, Chennai.

8. On being enquired by this Court, the *de facto* 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. Learned Government Advocate (Criminal Side) appearing on behalf of the first respondent submitted that the petitioners have engaged the service of the father of the *de facto* complainant for plumbing work. Since no proper gadgets were provided to the father of the *de facto* complainant, he fall down from the ladder and died in the incident. He further submitted that though the parties have 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 an offence 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



CrI.O.P.No.33907 of 2025

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.

11. 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 First Information Report pending against the petitioners in Crime No.730 of 2025, on the file of the Inspector of Police, Puzhal Police Station, Tiruvallur District, in exercise of its jurisdiction



Cr.L.O.P.No.33907 of 2025

under Section 482 Cr.P.C./Section 528 BNSS.

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12. Accordingly, this Criminal Original Petition stands disposed of and the First Information Report in Crime No.730 of 2025, on the file of the Inspector of Police, Puzhal Police Station, Tiruvallur District, is quashed as against the petitioners, on condition that the petitioners jointly pay a sum of Rs.10,000/- (Rupees Ten Thousand only) 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.

13. 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.

02.01.2026

srm

Neutral Citation: Yes/No



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CrI.O.P.No.33907 of 2025

To

1. The Inspector of Police,
Puzhal Police Station,
Tiruvallur District.
2. The Member Secretary,
The Tamil Nadu State Legal Services Authority (TNSLSA),
High Court Campus, Chennai.
3. The Public Prosecutor,
High Court of Madras.



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CrI.O.P.No.33907 of 2025

A.D.JAGADISH CHANDIRA, J.

SRM

CrI.O.P.No.33907 of 2025

02.01.2026