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CRL OP No. 35277 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-01-2026

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

CRL OP No. 35277 of 2025

CRL MP No.24821 of 2025

Vijaya Shankar
S/o.Sasidharan,

..Petitioner(s)

Vs

1. State rep.by, Inspector of Police,
Red hills - TIW,
Avadi City-TIW,
Chennai City.

2. Vinayasankar
S/o.Sasidharan,

..Respondent(s)

Prayer: Criminal Original Petition filed under Section 528 BNSS, 2023, seeking to call for the entire records pursuant to the charge sheet in CC.No.78 of 2025 on the file of Judicial Magistrate-II, Ponneri and quash the same by allowing this criminal original petition so far as petitioners are concerned.

For Petitioner(s):

Ms.V.Lakshmi

For Respondent(s):

Mr.K.M.D.Muhilan

Additional Public Prosecutor - R1

ORDER

The present Criminal Original Petition has been filed seeking to quash the proceedings in CC.No.78 of 2025 on the file of Judicial Magistrate-II,



Ponneri and quash the same, on the basis of the compromise arrived at between the petitioner and the *de facto* complainant/second respondent.

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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.99 of 2024 was registered on the file of the first respondent Police against the petitioner, for the offences under Sections 279 and 338 I.P.C. After completion of investigation, a charge sheet was filed in C.C.No.78 of 2025 for the offence under Sections 279 and 304(A) I.P.C. and was taken cognizance as aforesaid.

4. Learned counsel appearing for the petitioner would submit that the *de facto* complainant is the elder brother of the petitioner. Based on the complaint given by the *de facto* complainant, the case was registered. Learned counsel would submit that on the date of occurrence, the petitioner had taken his mother as a pillion rider in his two wheeler. While crossing the speed breaker, the petitioner lost balance resulting in his mother falling down and sustaining head injury and dying on the spot. She further submitted that the petitioner was not rash and negligent in his driving and the incident had happened as there were no markings at the speed breaker. Further, the *de facto* complainant is also not a witness to the occurrence and he has given the complaint based on the



information given to him. There is no other material to show that the petitioner has driven the vehicle in a rash and negligent manner and the *de facto* complainant who is the brother of the petitioner has also agreed to compromise the matter. She would also submit that the other two witnesses cited by the respondent police are also friends of the *de facto* complainant and they have also not seen the occurrence, and no useful purpose would be served in keeping the matter pending and he would seek that the proceedings may be quashed based on the compromise.

5.The petitioner and the *de facto* complainant/R2 appeared before this Court and were identified by their respective counsel as well as by Mr.T.Baskar, SSF, Redhills TIW, Avadi City- TIW, Chennai, Phone No.9788963001.

6.On being enquired by this Court, the *de facto* complainant stated that he has amicably settled the dispute with the petitioner and he 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 compromise while this case is pending, this Court, taking into account the seriousness of the offences, has to consider the issue as to whether 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 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.

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 proceedings pending against the petitioner in C.C.No.78 of 2025 on the file of the Judicial Magistrate II, Ponneri, 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 C.C.No.78 of 2025 pending on the file of the Judicial Magistrate-II, Ponneri, is quashed as against the petitioner, on condition that the petitioner shall 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. Consequently, connected miscellaneous petition is closed.

11. The affidavits and the Joint Memo of Compromise filed by the petitioner and the second respondent for compromising the offences shall form part of the records.

27-01-2026

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

1. The Judicial Magistrate – II
Ponneri
2. The Inspector of Police,
Red hills - TIW,
Avadi City-TIW,
Chennai City.
3. The Public Prosecutor
High Court of Madras
Chennai 600 104



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A.D.JAGADISH CHANDIRA, J.

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