



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-04-2026

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THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 32910 of 2025

Gowtham
S/o. Sundharamoorthy,
Ambedkar Nagar, Panruti, Cuddalore District.

..Petitioner(s)

Vs

1. The State Rep By
The State Inspector of Police,
Panruti Police Station, Cuddalore District.

2. Sarathi
S/o. Mayavel,
Meettu Street, Ambedkar Nagar,
Panruti, Cuddalore District.

..Respondent(s)

PRAYER: This criminal original petition filed under Section 528 of BNS to call for records about the FIR bearing Crime No.661/2024 on the file of Panruti Police Station, Cuddalore District, and quash the same, under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, and thus render justice.

For Petitioner(s):

Mr.J.Karthik Eswaran

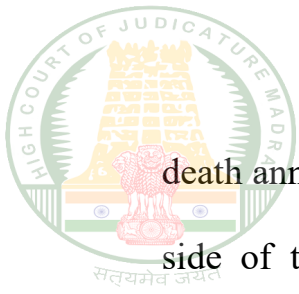
For Respondent(s):

Mr.LEONARD ARUL JOSEPH SELVAM
ADDITIONAL PUBLIC PROSECUTOR
FOR R1

ORDER

The petitioner/accused in crime No.661/2024 for offences under Sections 296(b), 115(2), 118(1) & 351(3) BNS, 2023, has filed this quash petition.

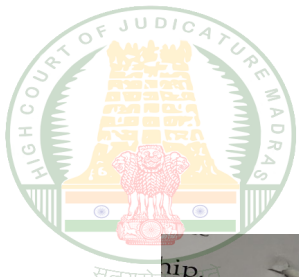
2.The case against the petitioner is that about 15 years ago, the first



death anniversary poster of one Sundaramurthy poster was affixed on the inner side of the compound wall located on the western side of Vijaya Theatre,

Panruti. At present, the said theatre has been renovated and converted into Vijaya Marriage Hall. On 10.11.2024, the defacto complainant's uncle's reception was scheduled to be held and the defacto complainant, after obtaining permission from the manager of the marriage hall, pasted a function banner on the said wall. Keeping this in mind, the petitioner Gowtham S/o. Sundaramoorthy, whenever he saw the defacto complainant used to threaten and abuse him in filthy language. Further, he also called the defacto complainant over the phone and continued to abuse him in the same manner. On 19.11.2024 at about 11.30 p.m. when the defacto complainant was near the railway station two-wheeler stand, the petitioner, in an inebriated condition, questioned him for pasting the banner and picked up a stone and assaulted the defacto complainant. Hence, a complaint has been lodged.

3. The learned counsel for the petitioner submits that the poster was pasted only in connection with a marriage function and the same was removed thereafter. The petitioner admits that he was in an inebriated condition and that on 19.11.2024, there was an altercation between the petitioner and the defacto complainant, during which, there was a push and pull. It is further submitted that the issue has now been amicably settled between the petitioner and the defacto complainant and in this regard, a memo of compromise entered into between them, which is scanned and extracted hereunder:



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MEMORANDUM OF CRIMINAL ORIGINAL PETITION
(Under Section 528 of The Bharatiya Nagarik Suraksha Sanhita, 2023)
IN THE HON'BLE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Original Jurisdiction)
Crl. O.P. No. 32910 of 2025

In
Crime No.661/2024
(On the file of the Panruti Police Station, Cuddalore)

Gowtham (Male/ Age 25 yrs)
S/o.Sundharamoorthy
Ambedkar Nagar,
Panruti, Cuddalore Dist.,

...Petitioner/ Accused

Versus

1. The State Inspector of Police
Panruti Police Station
Cuddalore District.,

...1st Respondent/ Complainant

2. Sarathi, (Male/ Age 22 yrs)
Son of Mayavel
Meettu Street, Ambedkar Nagar,
Panruti, Cuddalore Dist.,

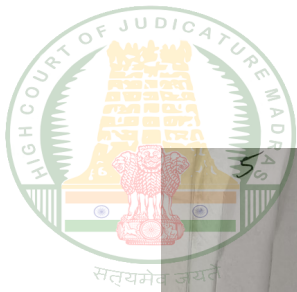
...2nd Respondent/ Defacto Complainant

MEMO OF COMPROMISE ENTERED BETWEEN THE ACCUSED
AND DE FACTO COMPLAINANT

1. The case of the prosecution is that on 19.11.2024 at about 11.30 p.m., there was an altercation between the Petitioner/ Accused and the 2nd Respondent/Defacto Complainant, Sarathi, regarding the pasting of a wedding banner over a memorial portrait. It is submitted that about 15 years ago, on the outer wall of Panruti Vijaya Theatre, a portrait of the Petitioner's late father,

S. Sundharamoorthy

M. Sarathi



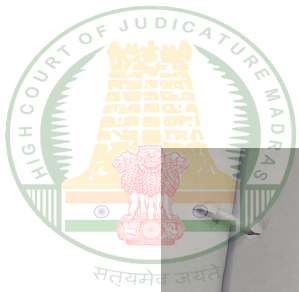
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Sundaramurthy, had been painted on the occasion of his first death anniversary. Recently, the theatre was renovated and converted into Vijaya Marriage Hall.

2. On 10.11.2024, the defacto complainant's maternal uncle's son's wedding reception was held in the said hall. Without regard to the memorial portrait of the Petitioner's father, and without obtaining any permission from the Petitioner, the defacto complainant pasted a wedding banner over the wall, thereby covering the said portrait. This act led to repeated quarrels between the Petitioner and the defacto complainant.
3. On 19.11.2024 around 11.30 p.m., while the Petitioner was near the Southern Railway Two-Wheeler Stand, Panruti Railway Station, the defacto complainant passed that way. The Petitioner, who had consumed alcohol and was not in a normal state of mind, again questioned him regarding the banner. Both parties argued intensely and, in the course of the altercation, the Petitioner allegedly assaulted the defacto complainant.
4. The nearby persons assisted the defacto complainant and admitted him to Panruti Government Hospital. Subsequently, on 20.11.2024, he was referred to Cuddalore Government Headquarters Hospital for further treatment. Thereafter, the defacto complainant lodged a complaint before the 1st Respondent Police Station, and a case was

S. Sundaramurthy



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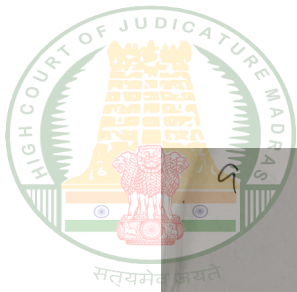
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registered in Crime No. 661 of 2024 for the offences punishable under Sections 296(b), 115(2), 118(1), and 351(3) of the BNS.

5. The Petitioner further submits that both the Petitioner and the defacto complainant have since entered into amicable compromise and are now maintaining a cordial relationship. They belong to the same locality and are on friendly terms. Continuation of the criminal proceedings would only lead to unnecessary hardship, animosity, and loss to both parties.
6. The Petitioner and the defacto complainant jointly seek the kind indulgence of this Hon'ble Court to quash the above-mentioned FIR as well as all consequential proceedings arising therefrom, in view of the fact that a compromise has been effected between both parties. The defacto complainant is no longer interested in pursuing the matter. Furthermore, in cases where a compromise has been duly arrived at between the parties, no useful purpose would be served in continuing with the proceedings in the light of such settlement.
7. In view of the facts and circumstances stated hereinabove, and also in view of the compromise arrived at between the parties, the FIR in question is liable to be quashed, as the continuance of the proceedings in the said FIR would amount to an abuse of the process of law.

S. Praveen Kumar

M. Shanthi



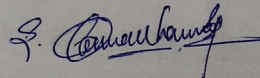
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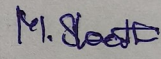


8. The Petitioner/Accused submits that he is not a proclaimed offender. Both parties are now residing peacefully and maintaining cordial relations. Hence, quashing of the present proceedings is necessary to safeguard the life, liberty, and peaceful coexistence of both parties, in addition to the facts narrated above.

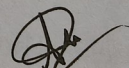
9. In the above circumstances, it is prayed that this Hon'ble may be pleased to pass further orders in terms of the memo of compromise which may deem fit and proper to the facts and circumstances of the case and thus render justice.

Dated at Chennai on this 19th day of November 2025.


Petitioner/Accused


Defacto Complainant

Through


Counsel for Accused and
Defacto complainant



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

5. 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.

6. The learned counsel appearing for the petitioner as well as for the *de facto* complainant submitted that the matter arises out of sticking posters 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. Affidavits and a Joint Compromise Memo to that effect have also been filed.

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.S.Senthilkumar, HC 205, Panruti Police Station, Cuddalore District.

8. 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.



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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.



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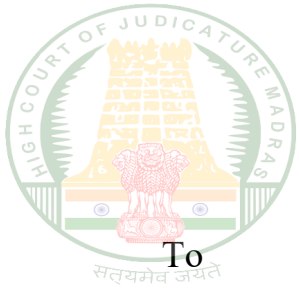
11. In the present case, the offences in question are purely individual/personal in nature. It involves dispute between the petitioner and the second respondent and quashing the proceedings will not affect any overriding public interest in this case and no useful purpose will be served in continuing with the criminal proceedings. In view of the above, this Court is inclined to quash the proceedings pending against the petitioner in crime No.661 of 2024 on the file of the first respondent police.

12. Accordingly, this Criminal Original Petition stands allowed and the proceedings in Crime No.661 of 2024 pending on the file of the first respondent police, is quashed as against the petitioner.

13. 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.

10-04-2026

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



To

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1. The State Inspector of Police,
Panruti Police Station,
Cuddalore District.

2. The Public Prosecutor
High Court, Madras.



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CRL OP No. 32910 of 2



M.NIRMAL KUMAR, J.

sms

CRL OP No. 32910 of 2025

10-04-2026