



CrI.O.P.No.35088 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2026

CORAM:

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

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1. G.Karthikeyan
2. Ganesan
3. Sidhan @ Sidhayan
4. T.Duraimurugan
5. S.Azhakesapoopathi
6. S.Kumaresan
7. C.Ashokkumar

... Petitioners

Vs.

1. The State of Tamil Nadu,
Rep by The Inspector of Police,
Azhagapuram Police Station,
Salem District.

2. G.Subramani

... Respondents

PRAYER : Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, to call for the records relating to the P.R.C.No.15 of 2015 on the file of the Judicial Magistrate No.5, Salem and to quash the same.

For Petitioners : Mr.I.Abrar Mohamed Abdullah

For R1 : Mr.K.M.D.Muhilan

Additional Public Prosecutor

For R2 : Mr.D.Shivakumaran

ORDER

This Criminal Original Petition has been filed seeking to call for



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the records relating to P.R.C.No.15 of 2015 on the file of the Judicial Magistrate No.5, Salem and to quash the same.

2. The issue arises out of a property dispute. The first petitioner and the *de facto* complainant are the siblings. The incident had occurred during a family quarrel in respect of sharing the family property. Subsequently, the matter has been settled between them. Hence, the present petition has been filed seeking the aforesaid relief.

3. The petitioners have filed an affidavit and they, along with the second respondent, have filed a Joint Memo of Compromise, wherein, it has been stated that the petitioners and the second respondent, have amicably settled the issue between themselves and hence, seek to quash the Final Report.

4. Mr.K.Kulasekaran, SSI-1345, Azhagapuram Police Station, Salem District, was present before this Court and he informed this Court that the *de facto* complainant and the petitioners had approached him and informed him that since they have amicably settled the dispute between them, they do not want to proceed further with the criminal proceedings.



5. The *de facto* complainant was also present before this Court at the time of hearing. This Court enquired the *de facto* complainant and he stated that they had amicably settled the dispute between themselves and he is not willing to proceed with the criminal proceedings and hence, seeks to quash the same.

6. The learned Additional Public Prosecutor appearing on behalf of the first respondent police 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 the offences of this nature can be quashed on the ground of compromise between the parties.

7. 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, to quash non-compoundable offences. One very important test that has been laid down is that the Court



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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.

8. In the present case, the offences in question are purely individual/personal in nature. It involves dispute between the petitioners and the *de facto* 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.

9. In view of the above, this Court is inclined to quash the proceedings in P.R.C.No.15 of 2015 on the file of the Judicial Magistrate No.5, Salem, in exercise of its jurisdiction under Section 482 of Cr.P.C.

10. Accordingly, this Criminal Original Petition is allowed and the case in P.R.C.No.15 of 2015 on the file of the Judicial Magistrate No.5, Salem, is quashed on condition that the petitioners shall pay a sum of Rs.25,000/- jointly (Rupees Twenty Five Thousand only) as costs to the Tamil Nadu State Legal Services Authority (TNSLSA), High Court



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Campus, Chennai 600 104, within a period of two (2) weeks from the date of receipt of a copy of this order. The affidavit and the Joint Memo of Compromise filed by the petitioners and the second respondent for compromising the offences shall form part of the records.

05.01.2026

ssa

Neutral Citation:Yes/No

To

1. The Judicial Magistrate No.5, Salem.
2. The Inspector of Police,
Azhagapuram Police Station,
Salem District.
3. The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

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