



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-01-2026

CORAM

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

CRL OP No. 35195 of 2025

1. Elayaperumal
2. Ziaudin Basha Bilal Basha

..Petitioner(s)

Vs

1. The State Rep. by
The Inspector of Police,
Mallasamudram Police station,
Namakkal District. (Cr.No.136 of 2024)

2. Selvaraj

..Respondent(s)

Prayer: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, to call for records relating to C.C.No.101 of 2025 on the file of the learned Judicial Magistrate, Thiruchengode and quash the same.

For Petitioners : Mr.S.P.Meenakshi Sundharam

For Respondent(s): Mr.K.M.D.Muhilan
Additional Public Prosecutor for R-1

Ms.Umme Ruman, For R-2

ORDER

The present Criminal Original Petition has been filed seeking to quash C.C.No.101 of 2025, pending against the petitioners, on the file of the learned Judicial Magistrate, Thiruchengode, on the basis of the compromise arrived at between the petitioners 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. 136 of 2024 was registered on the file of the first respondent Police against the petitioners, for the offence under Section 420 of the IPC.
4. Learned counsel appearing for the petitioners as well as for the *de facto* complainant submitted that on the advice of elders, the parties have now amicably settled the issue among themselves and filed a Joint Memo of Compromise to that effect. Hence, they seek to quash the charge sheet as against the petitioners.
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.B.Ashok, Head Constable-1031, Mallasamudram Police Station, Namakkal District.
6. 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.



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 offence, has to consider the issue as to whether an offence 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.

9. In the present case, the offence in question is 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 charge sheet in C.C.No.101 of 2025, pending on the file of the learned Judicial Magistrate, Thiruchengode, 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 charge sheet in C.C.No.101 of 2025, pending on the file of the learned Judicial Magistrate, Thiruchengode, is quashed as against the petitioners, on condition that the petitioners shall pay a sum of Rs.10,000/- (Rupees Ten 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.

11. The Joint Memo of Compromise filed by the petitioners and the second respondent for compromising the offence shall form part of the records.

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

1. The Judicial Magistrate,
Thiruchengode.
2. The Inspector of Police,
Mallasamudram Police Station,
Namakkal District.
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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