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Crl.O.P.No.35303 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2026

CORAM:

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

Crl.O.P.No.35303 of 2025

1.P.Balamurugan @ Bala
2.S.Iyyappan
3.K.Sethupathy
4.C.S.Sailesh Charanjit @ Sailesh
5.P.Vimalraj @ Vimal
6.L.Saravanan

...Petitioners

Vs.

1.The State Rep By,
The Inspector of Police
Kuniamuthur Police Station,
Coimbatore City.
(Crime No.446 of 2024)

2.Niyash Ahammad

...Respondents

Criminal Original Petitions filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to call for the records
pertaining to C.C.No.3134 of 2025 on the file of Judicial Magistrate No.VII,
Coimbatore.

For Petitioners : Mr.A.Mohamed Ismail

For R1 : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

For R2 : Mr.T.Venugopal



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CrI.O.P.No.35303 of 2025

ORDER

The present Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.3134 of 2025 on the file of the Judicial Magistrate Court No.VII, Coimbatore.

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. 446 of 2024 was registered on the file of the first respondent Police against the petitioners, for the offences under Sections 191(2), 296(b), 115(2), 118(1) & 351(3) of BNS, 2023.

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. Hence, they seek to quash the proceedings pending against the petitioners. Affidavits and a Joint Compromise Memo to that effect have also been filed.

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 Ms.K.Maya Sudhakar, Gr.I 2665, D4, Kuniamuthur Police



Station, Coimbatore City.

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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 Government Advocate (CrI.Side) 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 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 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 in C.C.No.3134 of 2025 pending on the file of the Judicial Magistrate Court No.VII, Coimbatore, in exercise of its jurisdiction under Section 482 Cr.P.C./Section 528 BNSS.

10. Accordingly, the proceedings in C.C.No.3134 of 2025 on the file of the Judicial Magistrate Court No.VII, Coimbatore, is quashed as against the petitioners. In the result, this Criminal Original Petition stands allowed. Consequently, the connected Criminal Miscellaneous Petitions are closed.



CrI.O.P.No.35303 of 2025

11. 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.

09.02.2026

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Neutral Citation: Yes/No

To

1.The Judicial Magistrate No.VII, Coimbatore.

2.The Inspector of Police
Kuniamuthur Police Station,
Coimbatore City.

3.The Public Prosecutor,
High Court of Madras,
Chennai.



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CrI.O.P.No.35303 of 2025

A.D.JAGADISH CHANDIRA, J.

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CrI.O.P.No.35303 of 2025

09.02.2026

1/2