



WEB COPY



Crl.O.P.No.35289 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2026

CORAM:

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

Crl.O.P.No.35289 of 2025
and
Crl.M.P.Nos.24836 & 24839 of 2025

Vijay

...Petitioner

Vs.

1.State Rep.by,
The Sub Inspector of Police,
D4, Zam Bazaar Police Station,
Chennai - 600 014.

2.Mohammed Noushad

...Respondents

Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to call for records in CC.No.3004/2025 (arising out of Cr.No.100 of 2025, Zam Bazaar Police Station) pending on the file of the learned II Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : Mr.V.Krishnamoorthy

For R1 : Mr.K.M.D.Muhilan
Additional Public Prosecutor

For R2 : Mr.S.Kartik



WEB COPY



CrI.O.P.No.35289 of 2025

ORDER

The present Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.3004 of 2025, on the file of the II Metropolitan Magistrate, Egmore, Chennai, on the basis of the compromise arrived at between the petitioner and the *de facto* complainant/second respondent.

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.100 of 2025 was registered on the file of the first respondent Police against the petitioner, for the offences under Sections 126(2), 296(b), 115(2) and 351(3) of the BNS, 2023. After completion of investigation, a charge sheet was filed and taken cognizance of as aforesaid.

4. Learned counsel appearing for the petitioner submitted that the petitioner is a college student and that the incident had occurred when he had gone along with his friends. He further submitted that the petitioner had intervened and prevented the other accused from assaulting the *de facto*



complainant. On coming to know that the petitioner had not assaulted the de facto complainant, the de facto complainant has agreed to compromise the matter insofar as the petitioner is concerned. Hence, they seek to quash the proceedings pending against the petitioner. Affidavits and a Joint Compromise Memo to that effect have also been filed.

5. The learned counsel appearing for the de facto complainant/ 2nd respondent submitted that the de facto complainant, taking into consideration the fact that the petitioner is a student, who has completed B.Sc (Interior Design), and having regard to his future, has agreed to compromise the matter with him.

6. The petitioner and the *de facto* complainant/R2 appeared before this Court and were identified by their respective counsel as well as by Ms.D.Hemaltha, SI, D4,Zam Bazaar Police Station, Chennai.

7. 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.



WEB COPY

8. 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.

9. 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.



Cr.L.O.P.No.35289 of 2025

10. 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 C.C.No.3004 of 2025 on the file of the II Metropolitan Magistrate, Egmore, Chennai, in exercise of its jurisdiction under Section 482 Cr.P.C./Section 528 BNSS.

11. Accordingly, this Criminal Original Petition stands allowed and the proceedings in C.C.No.3004 of 2025 is quashed as against the petitioner alone.

12. 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.

02.02.2026

rpl

Neutral Citation: Yes/No

5/6



WEB COPY



CrI.O.P.No.35289 of 2025

A.D.JAGADISH CHANDIRA, J.

rpl

To

1.The II Metropolitan Magistrate, Egmore, Chennai.

2.The Sub Inspector of Police,
D4, Zam Bazaar Police Station,
Chennai - 600 014.

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

CrI.O.P.No.35289 of 2025

02.02.2026