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Crl.O.P.No.1732 of 2026

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2026

CORAM:

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

Crl.O.P.No.1732 of 2026
and Crl.M.P.No.1115 of 2026

1. Govindaraj
2. Sundarraj @ Sundhararaj
3. Kandasamy ... Petitioners

Vs.

1. The State of Tamil Nadu,
The Sub-Inspector of Police,
Tholasampatty Police Station,
Omalur Taluk, Salem District.
2. G.Latha ... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to call for the records in C.C.No.51 of 2024 on the file of the learned Judicial Magistrate, Omalur, Salem District and quash the same.

For Petitioners : Mr.T.Ganesan

For R1 : Mr.S.Santhosh
Government Advocate (Criminal Side)

For R2 : Mr.A.J.Magendiraverman



facto complainant and petitioners 2 and 3 are respectively the brother-in-law and father-in-law of the de facto complainant. They further submitted that on the advice of elders, the parties have now amicably settled the issue among themselves. Hence, they seek to quash the aforesaid case as against the petitioners. Affidavits and a Joint Memo of Compromise to that effect have also been filed. It is further submitted that petitioners 2 and 3 are senior citizens and due to their old age ailments, they are unable to appear before this Court.

5. The first petitioner and the *de facto* complainant/R2 appeared before this Court and they were identified by their respective learned counsel as well as by Mr.M.Thangaraju, HC 343, Nangavalli Police Station.

6. On being enquired by this Court, the *de facto* complainant stated that she has amicably settled the dispute with the petitioners and she is not willing to pursue the criminal proceedings and therefore, seeks to quash the same.

7. Learned Government Advocate (Criminal Side) 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

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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 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



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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 petitioners in C.C.No.51 of 2024, pending on the file of the Judicial Magistrate Court, Omalur, Salem District, 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 proceedings in C.C.No.51 of 2024, pending on the file of the Judicial Magistrate Court, Omalur, Salem District, is quashed as against the petitioners, on condition that the petitioners pay a sum of Rs.5,000/- (Rupees Five Thousand only) jointly 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 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.



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12. Consequently, the connected miscellaneous petition is closed.

29.01.2026

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Neutral Citation: Yes/No

To

1. The Judicial Magistrate,
Omalur, Salem District.
2. The Sub-Inspector of Police,
Tholasampatty Police Station,
Omalur Taluk, Salem District.
3. The Member Secretary,
The Tamil Nadu State Legal Services Authority (TNSLSA),
High Court Campus, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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