

DEVARAJ Vs State rep by the Inspector of Police

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Court : Chennai

Decided On : Mar-05-2026

Judge : Honourable Mr Justice M. Nirmal Kumar

Appeal No. : CRL OP/4989/2026

Appellant : Devaraj

Respondent : State rep by the Inspector of Police

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-03-2026

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

1.Devaraj 2.Rajesh 3.Vijay All are residing at No.12/44, School Street, Koyambedu, Chennai - 600 107. Petitioners Vs 1.The State, Rep by its Inspector of Police, K-10, Koyambedu Police Station, Koyambedu, Chennai. (Crime No.347 of 2022) 2.Manikandan S/o.Siva, No.5, Pillayarkovil Street, Koyambedu, Chennai - 600 107. Respondents
PRAYER: The Criminal Original Petition filed under Section 528 of

BNSS, 2023, praying to call for the records and quash all further proceedings in the Crime No.347 of 2022 pending on the file of the Inspector of Police, K-10, Koyambedu Police Station, Koyambedu, Chennai.

For Petitioners : Mr.B.Thirumalai For Respondent-1: Mr.Leonard Arul Joseph Selvam Additional Public Prosecutor For Respondent-2: Mr.M.Karthikeyan

ORDER

The Criminal Original Petition has been filed seeking to quash all further proceedings in Crime No.347 of 2022, on the file of the first respondent police as against the petitioners, on the basis of the compromise arrived at between the petitioners and the de facto complainant/second respondent.

2. The case of the prosecution is that the petitioners and de facto

complainant are close relatives. Previously, there was a family dispute between them. When the de facto complainants cattle were about to be seized by the Corporation officials, there was a wordy quarrel arose, at that time the petitioners intervened and abused the de facto complainant with unparliamentary words and threatened them. Hence, a complaint lodged.

3. Heard both sides and perused the materials available on record.

4. Based on the complaint given by the de facto complainant/second

respondent, a case in Crime No.347 of 2022 registered on the file of the first respondent Police against the petitioners, for the offence under Sections 341, 294(b), 324 & 506(2) of I.P.C.

5. The learned counsel appearing for both the petitioners and the de

facto complainant submitted that on the advice of the friends, relatives and well-wishers, the parties have now amicably resolved their dispute and the de facto complainant also agreed to withdraw the complaint lodged against the petitioners.

6. As the parties have now amicably settled the issue among

themselves, they seek to quash the First Information Report as against the petitioners. Affidavits and a Joint Memo of Compromise to that effect have also been filed.

7. The petitioners and the de facto complainant/second respondent are present before this Court and they were identified by Ms.K.Kanchana, WSSI, K-10, Koyambedu Police Station, Chennai.

8. On being enquired by this Court, the parties confirmed the

compromise entered between them. 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.

9. The learned Additional Public Prosecutor appearing on behalf of the

respondent police submitted that though the parties 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 parties.

10. 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.

11. 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 First Information Report in Crime No.347 of 2022, pending on the file of the first respondent police, in exercise of its jurisdiction under Section 482 Cr.P.C./Section 528 BNSS.

12. Accordingly, the Criminal Original Petition is allowed and the First

Information Report in Crime No.347 of 2022, pending on the file of the first respondent police, is quashed as against the petitioners. The petitioners are discharged of all the charges.

13. 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. 05-03-2026 Index : Yes/No

Speaking order/Non-speaking order

Neutral citation : Yes/No rsi

M.NIRMAL KUMAR, J.

rsi To 1.The Inspector of Police, K-10, Koyambedu Police Station, Koyambedu, Chennai. 2.The Public Prosecutor High Court, Madras. 05.03.2026

