



Crl.O.P.No.7347 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.No.7347 of 2025
and Crl.M.P.No.4701 of 2025

Sabitha.M

... Petitioner

Vs.

1. The State of Tamil Nadu represented by,
The Inspector of Police,
R9, Valasaravakkam Police Station
Chennai – 600 087

2. Shanthakumari

... Respondents

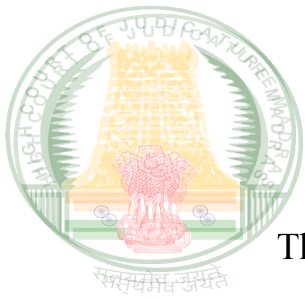
PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating in C.C.No.437 of 2024 dated 22.08.2024 filed by 1st respondent police before the learned Judicial Magistrate-1, Poonamallee under Section 193 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for the offences under Sections 406, 420 and 34 of IPC insofar as the petitioner is concerned.

For Petitioner : Mrs.Nalini Chidambaram, Senior Counsel
for M/s.T.Monicka

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

For R2 : Mr.E.Sivanandan

ORDER



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The Criminal Original Petition has been filed seeking to quash the C.C.No.437 of 2024 pending on the file of the learned Judicial Magistrate-1, Poonamallee as against the petitioner/accused No.2 for the alleged offences punishable under Sections 420, 406 and 34 of IPC.

2. Today, the petitioner and the defacto complainant/second respondent have filed affidavits stating that they have settled the dispute amicably and hence, the second respondent/defacto complainant has no objection to quash the Charge-sheet as against the petitioner/A2.

3. The power of attorney of the petitioner/A2 namely Mr.Babu Janardhanan and the de-facto complainant/R2 appeared before this Court and they were identified by their respective counsel as well as by M/s.V.Uma, WSSI, R9, Valasaravakkam (Crime Police Station), Chennai – 600 087.

4. On being enquired by this Court, the defacto complainant stated that she has amicably settled the dispute with the petitioner and she is not willing to pursue the the criminal proceedings against the petitioner/A2 and therefore, seeks to quash the same.



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5. 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 Gujra*th, reported in *2017 9 SCC 641* and in case of *The State of Madhya Pradesh Vs. Dhruv Gurjar and Another* reported in *(2019) 2 MLJ Crl 10*, has given sufficient guidelines that must be taken into consideration by this Court while exercising its jurisdiction under Section 482 of Cr.P.C, 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 it gets settled between the parties, cannot be quashed by this Court.

6. 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



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in continuing with the criminal proceedings. Further, the Hon'ble Supreme

Court in *K.Bharthi Devi v. State of Telengana* reported in (2024) 10 SCC

384, has held that the offences, which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions, where the wrong is basically to the victim, and the offender and the victim have settled all the disputes between them amicably, can be quashed by the High Court in exercise of its jurisdiction under Section 482 Cr.P.C.

7. In view of the above, this Criminal Original Petition is allowed. The Charge-sheet in C.C.No.437 of 2024 pending on the file of the learned Judicial Magistrate No.1, Poonamallee, is quashed as against the petitioner. The affidavits filed by the petitioner as well as the second respondent for compromising the offences shall form part of the record. Consequently, connected miscellaneous petition stands closed.

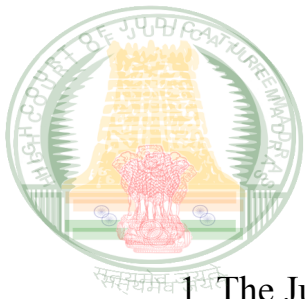
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Neutral Citation: Yes/No

To

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1. The Judicial Magistrate No.I, Poonamallee
2. The Inspector of Police,
R9, Valasaravakkam Police Station
Chennai – 600 087
3. The Public Prosecutor,
High Court of Madras.



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N. SATHISH KUMAR, J.

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