



WEB COPY

CRL OP No. 9353 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-10-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 9353 of 2024 & CrI.M.P.No.6515 of 2024

1. BEEMRAJ

S/o.Annamalai

2.B.Valli

W/o.Beemraj

3. NIVETHA

D/o.Beemraj, All Are Residing At,
No.7/41, Ramakrishna Nagar, 2nd
Avenue, Kalathemedu, Porur,
Maduravoyal, Chennai.

Petitioner(s)

Vs

1. State Rep. By

The Inspector Of Police, All Women
Police Station - Erode, Erode District.
Crime No.2 Of 2024

2.SHANMATHI

W/o.Harish B, Door No.94/7, Mohan
Kumaramangalam Street, Erode - 638
011.

Respondent(s)



PRAYER : Criminal Original Petition filed under section 528 of BNSS to call for the records and quash the proceedings against the Petitioners/Accused in Crime No.2 of 2024 dated 15.02.2024 pending on the file of 1st Respondent police and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner(s): Mr.C.S.Saravanan

For Respondent(s): Mr.K.M.D.Muhilan,
Additional Public Prosecutor - R1
Mr.C.Arun Kumar – R2

ORDER

Challenging the First Information Report registered against the petitioner in Crime No.2 of 2024 on the file of the first respondent for the offence under section 498[A] IPC, the present Criminal Original Petitions have been filed.

2. The petitioners are arrayed as A2 to A4 in the First Information Report. The first petitioner and the second petitioner are father-in-law and mother-in-law and the third petitioner is the sister-in-law of the defacto complainant. The case of the prosecution is that the petitioners, who are in-laws



of the defacto complainant are alleged to have harassed the defacto complainant

and also instigated the first accused to treat her as a servant and A1 assaulted

her. The further case of the prosecution is that due to the harassment of A1, the second child of the defacto complainant was born dead and he failed to take care of the defacto complainant and their child. Hence, the complaint has been given.

3. The defacto complainant is present before this Court at the time of hearing. The defacto complainant stated before this Court that she had compromised the issue with the petitioners and she does not want to proceed with the criminal proceedings. She has also filed a Sworn Affidavit to the effect that during the panchayat conducted by the elders as she felt that her child needs father and grand parents and aunt and she also want the petitioners' family, she is inclined to withdraw the complaint preferred against the petitioners.

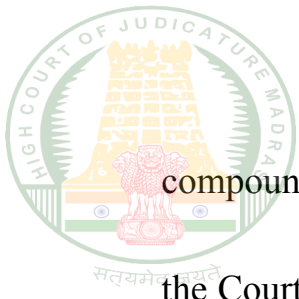
4. The learned Additional Public Prosecutor appearing on behalf of the first respondent submitted that though the parties entered into a compromise



while this case is pending, this Court, taking into account the seriousness of the offence has to consider the issue as to whether an offence of this nature can be quashed on the ground of compromise between parties.

5. The complaint has been given by the defacto complainant alleging that the petitioners had harassed and committed cruelty on her. The defacto complainant herself appeared before this Court and stated that she is not willing to proceed with the criminal proceedings.

6. 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 petitioner. The Hon'ble Supreme Court in the case of *Parbathbhai Aahir @ Parbathbhai Vs. State of Gujarat*, 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 CrI 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

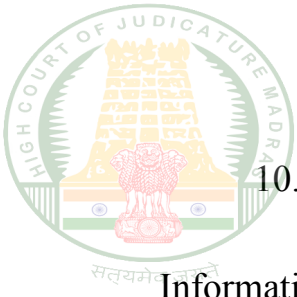
in nature or a crime against the society with overriding public interest. The

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.

9. In the present case, the offence 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 registered in Crime No.2 of 2024 pending on the file of the first respondent as against the petitioners in exercise of its jurisdiction under Section 482 of Cr.P.C.



10. Accordingly, this Criminal Original Petition is allowed and the First

Information Report registered in Crime No.2 of 2024 pending on the file of the

first respondent, in respect of the petitioners alone, is quashed . The Sworn

Affidavit filed by the second respondent shall form part of the records.

Consequently, connected miscellaneous petition is closed.

07-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

vrc

To

1.State Rep. By

The Inspector Of Police, All Women

Police Station - Erode, Erode District.

Crime No.2 Of 2024

2. The Public Prosecutor,

High Court, Madras.



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VRC

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