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Crl.O.P.No.11124 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2025

CORAM:

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

Crl.O.P.No.11124 of 2025
and Crl.M.P.No.7369 of 2025

1. Sunil Zahariah
2. M.Samraj
3. M.Shine Mercy
4. Moses Devaraj Selvakumar ... Petitioners

Vs.

1. The State of Tamil Nadu,
The Inspector of Police (L&O),
M2, Madhavaram Milk Colony Police Station,
Chennai – 600 051.
(Crime No.614 of 2023)
2. M.Usha ... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to call for the entire records connected with the case in Crime No.614 of 2023 on the file of the first respondent Police and quash the same.

For Petitioners : Mr.M.A.Srinivasan
For R1 : Mr.K.M.D.Muhilan
Additional Public Prosecutor
For R2 : Mr.B.Janakiram



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ORDER

The present Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.614 of 2023, pending against the petitioners, on the file of the first respondent Police, on the basis of the compromise arrived at between the petitioners 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. 614 of 2023 was registered on the file of the first respondent Police against the petitioners and others, for the offences under Sections 294(b), 323, 506(i) and 379 IPC and Section 4 of the TN Prohibition of Harassment of Women Act, 2002.

4. Learned counsel appearing for the petitioners as well as for the *de facto* complainant submitted that on the advice of elders, the parties have now amicably settled the issue among themselves. Hence, 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.



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5. The petitioners and the *de facto* complainant/R2 appeared before this Court and they were identified by their respective counsel as well as by Mr.Robert Kingsly, SSI, M2 Milk Colony 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 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.

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



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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 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.614 of 2023 pending on the file of the first respondent police, 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 First Information Report in Crime No.614 of 2023 pending on the file of the first respondent police is quashed as against the petitioners, on
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condition that the petitioners shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) each 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. Consequently, the connected miscellaneous petition is closed.

05.12.2025

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Neutral Citation: Yes/No

To

1. The Inspector of Police (L&O),
M2, Madhavaram Milk Colony Police Station,
Chennai – 600 051.
2. The Member Secretary,
The Tamil Nadu State Legal Services Authority (TNSLSA),
High Court Campus, Chennai.
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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