



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-08-2025

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THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 16244 of 2023 &

CrI.M.P.Nos.10257 & 10259 of 2023

1. DIVYALAKSHMI @ Divya
D/o.V.Govindaraj, No.15, Tamilmagal
Street, Rajiv Gandhi Nagar,
Puducherry-11.

Petitioner(s)

Vs

1. The Inspector Of Police
Muthialpet Police Station, Puducherry.

2.D.Arokiaraj
S/o.David, No.66, Palani Gramini
Thottam, Vazhaikulam, Puducherry.

Respondent(s)

PRAYER : Criminal Original Petition filed under section 528 of BNSS to call for the records in leading to the charge sheet in C.C.NO.225/2020 pending on the file of Judicial Magistrate II at Puducherry and quash the same.

For Petitioner(s): Mr. K. Sureshababu



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For Respondents : Mr.M.V.Ramachandramurthy
Addl. Public Prosecutor [Puducherry]
Asst. by Mr.M.Thamizhmani – R1

Mr.Sasindran – R2

ORDER

This Criminal Original Petition has been filed to quash the charge sheet filed in C.C.NO.225/2020 pending on the file of Judicial Magistrate II at Puducherry.

2. The petitioner is arrayed as the second accused in this case for the offences under sections 420 of IPC read with 34 of IPC. The allegations against the accused in the Final Report is that the petitioner along with A1, who is none other than the husband of the petitioner, had induced the defacto complainant, who studied along with the petitioner and demanded the alleged sum for the purpose of higher studies and employment at abroad.

3. The petitioner along with the second respondent has filed Joint Memo of Compromise wherein it has been stated that the petitioner had given a sum of

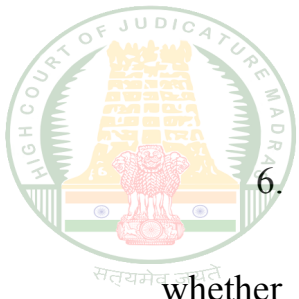


Rs.5,26,500/- and she had also given a Demand Draft for a sum of Rs.4,50,000/-

and they had mutually agreed not to initiate or proceed further with regard to any dispute and as they had amicably settled the issues between themselves, and seek to quash the charge sheet.

4. The petitioner is present before this Court and ahe had been identified by the learned counsel for the petitioner and the defacto complainant is also present and he had been identified by the respondent police. This Court enquired the defacto complainant and he had stated that they had amicably settled the dispute between themselves and he is not willing to proceed with the the criminal proceedings and seeks to quash the same.

5. The learned 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.



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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 Gujraht*, 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.

7. In the present case, the offence in question are purely individual/personal in nature. It involves dispute between the petitioner and the



defacto complainant 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 Final Report filed in the case in C.C.No.225 of 2020 on

the file of the Judicial Magistrate No.II, Puducherry in exercise of its

jurisdiction under Section 482 of Cr.P.C..

8. Accordingly, this Criminal Original Petition is allowed and the case in C.C. No. 225 of 2020 on the file of the Judicial Magistrate No.II, Puducherry, is quashed. The Joint Memo of Compromise filed by the petitioner and the second respondent for compromising the offences shall form part of the records. Consequently, connected miscellaneous petitions are closed.

21-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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1. The Judicial Magistrate No.II,
Puducherry.

2.The Inspector Of Police
Muthialpet Police Station, Puducherry.



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N.SATHISH KUMAR J.

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