



CrI.O.P.No.23741 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CrI.O.P. No.23741 of 2025 &
CrI.M.P.No.16219 of 2025

Nachimuthu

... Petitioner

Vs.

1. The State rep. By
The Inspector of police,
All Women Police Station,
Mettur, Salem District

2. XXXX

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 BNSS, 2023 to call for the records relating to S.C.No.385 of 2024 pending on the file of the Sessions Court, Mahalir Neethimandram, Salem and quash the same.

For Petitioners : Mr.R.T.Vishnu

For Respondents : Mr.R.Vinothraja for R1
Government Advocate (CrI.Side)
Appeared in person – R2



ORDER

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This Criminal Original Petition has been filed to quash the case in S.C.No.385 of 2024 pending on the file of the Sessions Court, Mahalir Neethimandram, salem for the offences under Sections 329(4) and 75 of BNSS, 2023 .

2. The allegations against the petitioner is that the petitioner was allegedly greeted by the 2nd respondent to have tea and when the 2nd respondent went to the kitchen to prepare tea, the petitioner had allegedly trespassed into the kitchen and sexually harassed the 2nd respondent.

3. The petitioner along with the second respondent has filed Joint Compromise Memo wherein it has been stated that the petitioner and the second respondent are known to each other and on the advice of their elders, they have amicably settled the issues between themselves and hence, seek to quash the Final Report.

4. Ms.S.Surya, Mettur All Woman Police Constable was present before this Court and she informed this Court that the second respondent



had approached her and informed her that she do not want to proceed further with the criminal case registered as against the petitioner.

5. The second respondent was also present before this Court at the time of hearing. This Court enquired the second respondent and she stated that she seeks to quash the criminal proceedings.

6. The learned Government Advocate (Crl.Side) 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.

7. 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 Gujrath***, 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



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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.

8. 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 S.C.No.385 of 2024 on the file of the learned Sessions Court, Mahalir Neethimandram, Salem in exercise of its jurisdiction under Section 482 of Cr.P.C..

9. Accordingly, this Criminal Original Petition is allowed and the case in S.C. No. 385 of 2024 on the file of the Sessions Court, Mahalir Neethimandram, Salem, is quashed. The Joint Compromise Memo filed by the petitioner and the second respondent for compromising the offences



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shall form part of the records. Consequently, connected miscellaneous

petition is closed.

29.08.2025

ssd

To,

1. The Sessions Judge,
Mahila Court, Salem.
2. The State rep. By
The Inspector of police,
All Women Police Station,
Mettur, Salem District
3. The Public Prosecutor,
High Court of Madras.



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N. SATHISH KUMAR, J.

ssd

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