



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-10-2025

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THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 26915 of 2025

S. Arivukkarasan

Petitioner(s)

Vs

1. The State of Tamil Nadu rep by The
Inspector of Police
Thazhambur Police Station,
Pallikaranai, Chennai.

2.R.P. Aswini

Respondent(s)

PRAYER

Criminal Original Petition filed under Section 528 of BNSS Act to call for the records on the file of the 1st respondent police in FIR Crime No.237/2025 and quash the same.

For Petitioner : Mr.S.Selvathirumurugan

For Respondent(s): Mr.R.Vinothraja for R1
Government Advocate (Crl.Side)
R2-Appeared in-person

ORDER

This Criminal Original Petition has been filed to quash the case in Crime No.237 of 2025 pending on the file of the 1st respondent-police for the offences



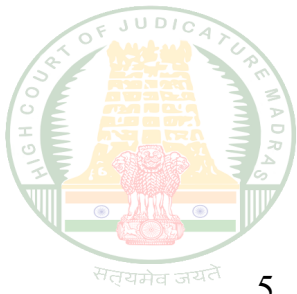
under Sections 296(b), 118(1), 85, 351(3) of BNSS Act, Section 4 of Prohibition of Women Harassment Act, 2002 and Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

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2. The petitioner is the husband and the 2nd respondent is the wife of the petitioner. The allegations against the petitioner is that on account of the matrimonial dispute, the petitioner harassed the 2nd respondent physically and abused her with filthy language.

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 on the advice of their elders, to take care of their children, amicably settled the issues between themselves and hence, seek to quash the First Information report.

4. Mr.R.Anbu, Special Sub-Inspector of Police, T18, Thazhambur Police Station was present before this Court and he informed this Court that the second respondent had approached him and informed him that she do not want to proceed further with the criminal case registered as against the petitioner.



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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



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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.

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 FIR in Crime No.237 of 2025 on the file of the 1st respondent police, in exercise of its jurisdiction under Section 482 of Cr.P.C..



9. Accordingly, this Criminal Original Petition is allowed and the case in
in Crime No.237 of 2025 on the file of the 1st respondent police, is quashed.

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The Joint Compromise Memo filed by the petitioner and the second respondent
for compromising the offences shall form part of the records.

07-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

ssd

To

1. The State of Tamil Nadu rep by The
Inspector of Police
Thazhambur Police Station,
Pallikaranai, Chennai.

2. The Public Prosecutor,
High Court, Madras



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N.SATHISH KUMAR J.

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