



Crl.O.P.No.25477 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.No.25477 of 2025

1. Vijayalakshmee

2. Loganathan

... Petitioners

Vs.

1. The State rep. by
The Inspector of Police
Sankari Police Station
Salem-District

2. Murali Narayanasamy

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of B.N.S.S. to call for the records in Crime No.388 of 2024 on the file of the 1st respondent police and quash the same in view of the compromise arrived in between the petitioners/accused and the 2nd respondent/defacto complainant.

For Petitioner : M/s.R.Pushpalatha

For 1st Respondent : Mr.K.M.D.Muhilan
Additional Public Prosecutor



ORDER

WEB COPY This Criminal Original Petition has been filed to quash the FIR in Crime No.388 of 2024 on the file of the 1st respondent police in view of the compromise arrived between the petitioners/accused and the 2nd respondent/defacto complainant.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the first respondent police.

3. Based on the complaint given by the de facto complainant/second respondent, the case in Crime No.388 of 2024 was registered against the petitioners and other accused on 07.09.2024 for the offences under Sections 420, 427, 294(b) and 506(2) IPC.

4. The learned counsel for the petitioners submitted that the parties have arrived to a amicable settlement between them and they have also filed a Memorandum of Compromise to that effect. Further, the defacto complainant/2nd respondent has also filed an affidavit stating that he has no objection in quashing the FIR. Hence, he seeks to quash the First Information Report as against the petitioners.

5. The petitioners appeared before this Court in person. The defacto complainant/second respondent appeared through video conferencing



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and they were identified by their respective counsel as well as by

Mr.R.Senthil Kumar, SSI, Sankari Police Station, Salem District.

6. On being enquired by this Court, the de facto complainant stated that he has amicably settled the dispute with the petitioners and not willing to pursue the criminal proceedings and he has no objection to quash the same. The parties have also filed a Memorandum of Compromise and consent affidavit dated 25.08.2025.

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 petitioners. 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 by this Court while exercising its jurisdiction under Section 482 of Cr.P.C/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

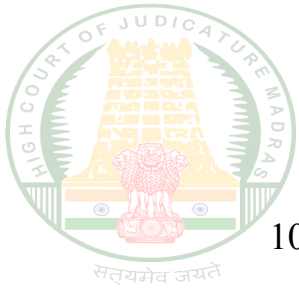


interest even if it gets settled between the parties, cannot be quashed by this

WEB COPY Court.

8. 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. Further, the Hon'ble Supreme Court in ***K.Bharthi Devi v. State of Telengana*** reported in ***(2024) 10 SCC 384***, has held that the offences, which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions, where the wrong is basically to the victim, and the offender and the victim have settled all the disputes between them amicably, can be quashed by the High Court in exercise of its jurisdiction under Section 482 Cr.P.C.

9. In view of the above, the First Information Report in Crime No.388 of 2024 dated 07.09.2024 on the file of the 1st respondent police, is quashed as against the petitioners. The Memorandum of Compromise and consent affidavit filed by the parties dated 25.08.2025 for compromising the offences, shall form part of the record.



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10. Accordingly, this Criminal Original Petition is allowed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

To

1. The Inspector of Police
Sankari Police Station
Salem-District
2. The Public Prosecutor
High Court of Madras



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N. SATHISH KUMAR, J.

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