



Crl.O.P.No.25472 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Crl.O.P.No.25472 of 2025
and
Crl.M.P.Nos.17232 of 2025

1.Rahul
2.Vignesh
3.Chandru
4.Karthikeyan

... Petitioners

Vs.

1.The State represented by
The Inspector of Police,
Kottucherry Police Station,
Karaikal District.

2.Kalaiselvi

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita to call for the records relating to the charge sheet in C.C.No.235 of 2025 before Judicial Magistrate Court No.II, Karaikal, by recording the memo in the above Crl.O.P.No.25472 of 2025.

[Prayer amended vide order dated 24.09.2025 made in Crl.M.P.No.18013 of 2025 in Crl.O.P.No.25472 of 2025]



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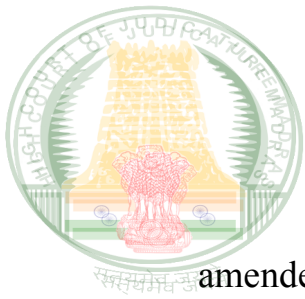
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For Petitioners : Mr.M.Sriram
For R1 : Mr.K.S.Mohandass
Public Prosecutor (Pondicherry)
R2 : Mrs.Kalaiselvi (appeared in person)

ORDER

This Criminal Original Petition has been originally filed to quash the FIR in Crime No.72 of 2024 on the file of the Kottucherry Police Station, Karaikal, registered as against the petitioners for the offences under Sections 448, 363 and 34 IPC, based on the compromise arrived at between the petitioners and the *de facto* complainant/2nd respondent.

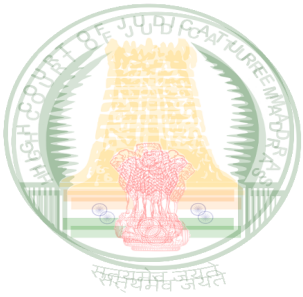
2.When the matter was taken up for hearing on 22.09.2025, the learned Additional Public Prosecutor submitted that final report has been filed and the same has been taken cognizance by the learned Judicial Magistrate No.2, Karaikal, in C.C.No.235 of 2025. Therefore, this Court directed the petitioners to file necessary amendment petition to amend the prayer of this Criminal Original Petition to seek quashment of the final report based on compromise. Accordingly, the prayer has now been



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amended to quash the final report in C.C.No.235 of 2025 on the file of the learned Judicial Magistrate No.2, Karaikal, based on the joint compromise memo filed originally in the above Criminal Original Petition.

3.It is the case of the *de facto* complainant that, on 13.06.2024 at around 03.00 p.m., when the *de facto* complainant and her daughter were in their house, A1 and A2 entered into the house of the *de facto* complainant and A1 asked her daughter to give consent for marrying A2. However, she refused and therefore, they left the house. Once again, on 13.06.2024 at 05.30 p.m., the petitioners (A1 to A4) entered into the house of the *de facto* complainant and kidnapped her daughter and took her away in the motorcycle of A2. Therefore, the *de facto* complainant lodged a complaint before the 1st respondent Police. Based on the same, the present FIR came to be registered in Crime No.72 of 2024 as against the petitioners for the offences under Sections 448, 363 and 34 IPC, which has now culminated into C.C.No.235 of 2025 on the file of the learned Judicial Magistrate No.2, Karaikal. Now, the same is sought to be quashed based on the compromise arrived at between the petitioners and the *de facto* complainant.



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4.Learned counsel for the petitioners would submit that the petitioners have settled the dispute with the *de facto* complainant amicably and hence, seeks to quash the charge sheet as against them. A Joint Memo of Compromise has been executed between the petitioners and the 2nd respondent to that effect.

5.Heard the learned counsel on either side. The petitioners/accused are present before this Court. The *de facto* complainant/2nd respondent is also present before this Court today. They are identified by their respective counsel as well as by Mr.N.Samiappan, SG ASI of Police, Kottuchery Police Station, Karaikal, who is also present before this Court.

6.On being enquired by this Court, the *de facto* complainant stated that her daughter has got married to A2 and 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 FIR.



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7.Now, the main issue that requires the consideration of this Court is as to whether this Court can quash the criminal proceedings involving non-compoundable offence pending against the petitioners, based on a compromise. 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 the High Court while exercising its jurisdiction under Section 482 of Cr.P.C./Section 528 BNSS, to quash non-compoundable offence(s). One very important test that has been laid down is that the Court must necessarily examine as to whether 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.

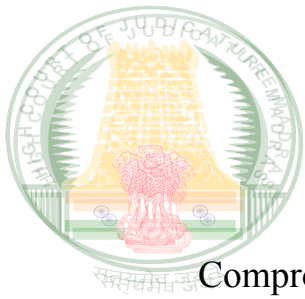


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8.However, in the present case, the wrong is basically to the victim and the offenders and the victim have now settled all the disputes between them amicably. Further, the petitioners as well as the *de facto* complainant have filed separate affidavits to the effect that they have entered into this compromise to ensure a peaceful future. In view of the unambiguous statements given by both the parties, this Court is of the view that the continuation of criminal proceedings will not serve any purpose and it would only prolong distress for all concerned, especially when the *de facto* complainant has specifically mentioned that her daughter and A2 have got married and therefore, to protect her daughter's future life, she and her daughter and her son-in-law (A2) have decided to amicably settle the matter in the presence of well-wishers of the family and friends. Therefore, this Court is inclined to quash the FIR in exercise of its jurisdiction under Section 528 of BNSS.

9.Accordingly, this Criminal Original Petition is allowed and the final report in C.C.No.235 of 2025 on the file of the learned Judicial Magistrate No.2, Karaikal, as against the petitioners, is quashed. The Joint Memo of



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Compromise filed by the petitioners and the 2nd respondent and the individual affidavits filed by the petitioners and the 2nd respondent shall form part of the records. Consequently, connected miscellaneous petition is closed.

24.09.2025
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Internet : Yes

Index : Yes / No

Speaking order : Yes / No

Neutral Citation : Yes / No

To

1.The Judicial Magistrate No.2,
Karaikal.

2.The Inspector of Police,
Kottucherry Police Station,
Karaikal District.

3.The Public Prosecutor,
High Court, Madras.



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N. SATHISH KUMAR, J.

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