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CRL OP No. 24814 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-09-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 24814 of 2025

1. Sathishkumar

S/o. Madheswaran, No.226,
Sanniyasikundu Extension,
Kitchipalayam, Salem - 636015.

2. Madheswaran

S/o. P.Ramasamy Pillai, No.226,
Sanniyasikundu Extension,
Kitchipalayam, Salem - 636015.

3. Vijayalakshmi

W/o. Madheswaran, No.226,
Sanniyasikundu Extension,
Kitchipalayam, Salem - 636015.

4. Jeevitha

W/o. Suresh, No.3/23, 1st Floor,
Ganesh flats, Lalbahadur Sastri Street,
Haridaspuram, Chitlapakkam,
Chennai - 600064.



5. Vishwanathan
S/o. Madheswaran, No.226,
Sanniyasikundu Extension,
Kitchipalayam, Salem - 636015.

Petitioner(s)

Vs

1. State Rep by,
Sub Inspector of Police,
All Women Police Station,
Salem Town, Salem - 636102.

2. Shanmugapriya
D/o. Manikandan, No.7/6, NH-2,
Thirikoodarasapar Street, maraimalai
Nagar, Kancheepuram - 603209.

Respondent(s)

PRAYER

This Criminal Original Petition has been filed to call for the records pertaining to CC.No.192/2022 pending on the file of the Honorable Additional Mahila court at Salem and quash the same.

For Petitioner(s): Mr. S.Sathyaraj
K.Arunagiri

For Respondent(s): Mr. R. Vinothraja,
Govt. Advocate (crl.side)
for R1



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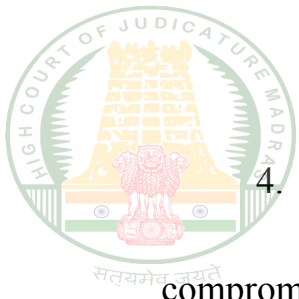
Mr.S.K.Mohamed Arif,
for R2

ORDER

This Criminal Original Petition has been filed to quash the C.C.No.192 of 2022 pending on the file of the Additional Mahila Court, Salem for the offence under section 498(A) of IPC.

2. The complaint has been lodged by the second respondent. The first petitioner is the husband and the other petitioners are in laws of the second respondent. The crux of the allegation is that the petitioners have demanded a sum of Rs.20 lakhs from the defacto complainant, and thereby subjecting her to cruelty.

3. The petitioners and the de-facto complainant/R2 appeared before this Court and they were identified by their respective counsel as well as by M/s.R.M.Jothi, W.H.C. 303, All Women Police Station Town, Salem City(Mobile No.94981 66522).



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4. The defacto complainant stated before this Court that she has compromised the issue with the petitioners and since the subject matter of the dispute was amicably settled between the petitioners and the 2nd respondent, she does not want to proceed with the criminal proceedings. They have also filed a Joint Compromise Memo entered between herself and the petitioners to that effect.

5. 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.

6. The allegation in the complaint is the matrimonial dispute. The defacto complainant herself appeared before this Court and stated that she is not willing to proceed with the criminal proceedings.



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7. The main issue that requires for 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 Gujra*th, 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 528 of 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 Court.

8. In the present case, the offences in question are purely individual/personal in nature. It involves the matrimonial dispute between the

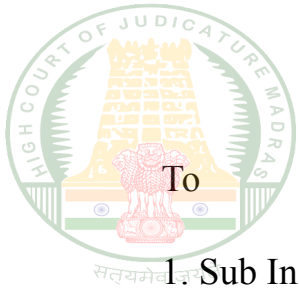


petitioners and the second respondent and quashing the proceedings, will not affect any overriding public interest in this case and no useful purpose will be served in continuing with the criminal proceedings. In view of the above, this Court is inclined to quash the First Information Report registered in C.C.No.192 of 2022 pending on the file of the Additional Mahila Court, Salem in exercise of its jurisdiction under Section 528 of BNSS.

9. Accordingly, this Criminal Original Petition is allowed and the First Information Report registered in C.C.No.192 of 2022 pending on the file of the Additional Mahila Court, Salem, is quashed. The Joint Compromise Memo filed by the petitioners and the second respondent for compromising the offences shall form part of the records.

10-09-2025

Neutral Citation: Yes/No
mrp



To

1. Sub Inspector of Police,
All Women Police Station, Salem
Town, Salem - 636102.

2. The Additional Mahila Court,
Salem.



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N.SATHISH KUMAR J.

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