



CrI.O.P.No.25766 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

CrI.O.P.No.25766 of 2025

1. Sathish Kumar
2. Athmarosi ... Petitioners

Vs.

1. The State represented by,
The Inspector of Police,
N2, Kasimedu Police Station,
Chennai.
2. Epsila ... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C/528 of BNSS, to call for the records in Crime No.357 of 2025 on the file of the first respondent Police and quash the same against the petitioners/accused.

For Petitioners : Mr.V.Karthik

For R1 : Mr.R.Vinothraja
Government Advocate (Criminal Side)

For R2 : Mr.M.Illiyas



Crl.O.P.No.25766 of 2025

ORDER

WEB COPY The Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.357 of 2025, pending on the file of the first respondent, on the basis of the compromise arrived at between the petitioners and the de facto complainant/second respondent.

2. Heard the learned counsel appearing for the petitioners, the learned counsel appearing for the de facto complainant/R2 and the learned Government Advocate (Criminal Side) appearing for the first respondent.

3. Based on the complaint given by the de facto complainant/R2, a case in Crime No.357 of 2025 was registered against the accused for the offences under Sections 296(b), 115(2), 118(1), 74, 351(3) of BNS and Section 4 of TN Prohibition of Harassment of Women Act.

4. The learned counsel appearing on either side submitted that the petitioners have amicably settled the dispute with the de facto complainant/R2 and they have also filed a Joint Memo of Compromise to that effect. Hence, they prayed to quash the First Information Report as against petitioners.



Crl.O.P.No.25766 of 2025

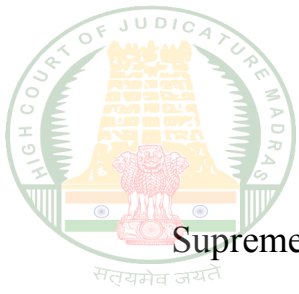
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5. The petitioners and the de-facto complainant/R2 appeared before this Court and were identified by their respective counsel as well as by Mr.R.Sabarivasagan, Sub-Inspector of Police, N2, Kasimedu Police Station.

6. On being enquired by this Court, the de facto complainant stated that she has amicably settled the dispute with the petitioners and she is not willing to pursue the criminal proceedings against the petitioners.

7. The learned Government Advocate (Criminal 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.

8. 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



Crl.O.P.No.25766 of 2025

Supreme Court in the case of *Parbathbhai Aahir @ Parbathbhai Vs. State of Gujarat*, 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, 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.

9. 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. In view of the above, this Court is inclined to quash the First Information Report registered in Crime No.357 of 2025 pending on the file of the first respondent in exercise of its jurisdiction under Section 482 of Cr.P.C.



Crl.O.P.No.25766 of 2025

WEB COPY10. In view of the above, this Criminal Original Petition is allowed.

The First Information Report in Crime No.357 of 2025 pending on the file of the first respondent, is quashed as against the petitioners. The Joint Memo of Compromise filed by the petitioners and the second respondent for compromising the offences shall form part of this order.

19.09.2025

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Neutral Citation:Yes/No

To

1. The Inspector of Police,
N2, Kasimedu Police Station,
Chennai.
2. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.25766 of 2025

N. SATHISH KUMAR, J.

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Crl.O.P.No.25766 of 2025

19.09.2025