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Crl.O.P.No.26101 of 20253

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2025

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THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.No. 26101 of 2025

Kaliyammal

... Petitioner

Vs.

1. State Rep.by
The Inspector of Police,
Nallipalayam Police Station,
Namakkal District,
Crime No.221 of 2023.

2. Pappathi

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 BNSS, 2023, to call for the records and quash the proceedings as against the petitioner alone in S.T.C.No.410 of 2024 on the file of the Judicial Magistrate Court No.I, Namakkal.

For Petitioner : Mr.M.Mohamed Riyaz

For Respondents : Mr.R.Vinoth Raja
Government Advocate (Crl.Side)
for R1
Mr.S.Senthil for R2



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ORDER

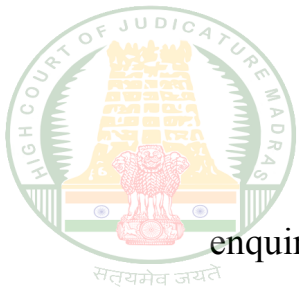
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This Criminal Original Petition has been filed to quash the charge sheet in S.T.C.No.410 of 2024 pending before the Judicial Magistrate No.I, Namakkal, as against the petitioner alone.

2. Based on the complaint given by the second respondent/*de-facto* complainant, the first respondent-Police registered a case in Crime No.221 of 2023 for the offences punishable under Sections 294(b), 323 and 506(i) IPC, against the petitioner. After investigation, the first respondent-Police had filed charge sheet before the learned Judicial Magistrate No.I, Namakkal in S.T.C.No.410 of 2024.

3. The learned counsel for the petitioner submitted that pending STC, the petitioner and the second respondent/*de-facto* complainant have arrived at a compromise in order to settle the issue amicably and a Joint Memo of Compromise was entered between them on 12.09.2025 to that effect. Hence, the present petition is filed by the petitioner to quash the charge sheet in S.T.C.No.410 of 2024 based on the Joint Memo of Compromise, dated 12.09.2025.

4. Today, when the matter was taken up for hearing, the petitioner and second respondent/*de-facto* complainant appeared before this Court and they are identified by the first respondent-Police. This Court



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enquired the *de-facto* complainant and she stated that they had amicably settled the dispute between themselves and she is not willing to proceed with the the criminal proceedings and seeks to quash the same.

5. 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 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.

6. In the present case, the offence in question are purely



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individual/personal in nature. It involves dispute between the petitioner and the *de-facto* 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 charge sheet in S.T.C.No.410 of 2024 on the file of the Judicial Magistrate Court No.I, Namakkal, in exercise of its jurisdiction under Section 482 of Cr.P.C./528 BNSS.

7. Accordingly, this Criminal Original Petition is allowed and S.T.C.No.410 of 2024 on the file of the Judicial Magistrate Court No.I, Namakkal, is hereby quashed as against the petitioner. The Joint Memo of Compromise dated 12.09.2025 entered into between the petitioner and the second respondent shall form part of the records.

23.09.2025

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
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To

1. The Judicial Magistrate No.I,
Namakkal.
2. The Inspector of Police,
Nallipalayam Police Station,
Namakkal District.
3. The Public Prosecutor,
High Court, Madras.



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N. SATHISH KUMAR, J.

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**23.09.2025
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