



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 25-09-2025**

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**THE HONOURABLE MR JUSTICE N. SATHISH KUMAR**

**CRL OP No. 26418 of 2025**

1. P.Thiyagarajan  
S/o.K.Pandian, Residing at, No.17,  
Parthasarathy Nagar, 10th street,  
Adampakkam, Chennai - 600088.

Petitioner(s)

Vs

1. State Rep by, The Inspector of Police  
S-8, Adambakkam Police Station,  
Chennai - 600088.

2.Redacted

Respondent(s)

**PRAYER**

This Criminal Original Petition is filed under Section 528 of BNSS, to call for the records in Crime No. 388/2025 on the file of the 1st respondent Inspector of police, S-8, Adambakkam police Station, Chengalpeta District for the offence under section 75(2) of the BNS ,2023 and section 4 of the TN Prohibition of Harassment of Women Act, 2002, and to quash the same.

For Petitioner(s): Mr.C.Mohan Raj



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For R1

Mr.R.Vinoth Raja  
Government Advocate (Crl.Side)

For R2

Mr.P.Vishnu

### **ORDER**

This Criminal Original Petition has been filed to call for the records in Crime No. 388/2025 on the file of the first respondent Inspector of police, S-8, Adambakkam police Station, Chengalpet District for the offence under section 75(2) of the BNS ,2023 and section 4 of the TN Prohibition of Harassment of Women Act, 2002, and to quash the same.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent-Police and perused the materials available on record.

3. It is the case of the prosecution that the petitioner/accused is a Doctor. The defacto complainant has taken treatment for the skin disease from this Doctor. The petitioner had sexually harassed the defacto complainant. Based on the complaint given by the defacto-complainant/second respondent herein as



against the accused person who is the petitioner herein, a case in Crime No.338

of 2025 has been registered by the first respondent-Police for the offences under

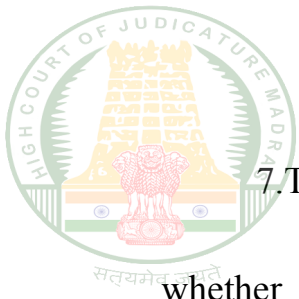
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Section 75(2) of the BNS 2023 and Section 4 of the TN Prohibition of Harassment of Women Act.

4. The petitioner has stated that he had settled the dispute with the *de facto* complainant amicably and hence, seeks to quash the First Information Report as against him. They have also filed a Joint Memo of Compromise executed between petitioner and the second respondent/defacto complainant to that effect.

5. The petitioner and the de-facto complainant/R2 appeared before this Court and were identified by their respective counsel as well as by Mrs.Mariyammal, WHC, S8, Adambakkam Police Station, Chennai.

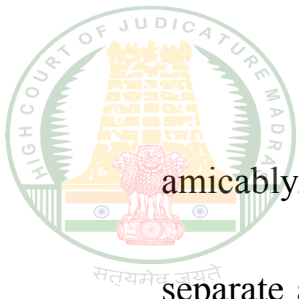
6. On being enquired by this Court, the *de-facto* complainant stated that she has amicably settled the dispute with the petitioner and she is not willing to pursue the the criminal proceedings and she has also filed an affidavit with regard to the same and seeks to quash the F.I.R.



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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 Gujarath*, 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.

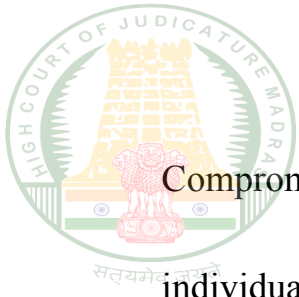
8. However, in the present case, the wrong is basically to the victim. The offender and the victim have now settled all the disputes between them



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amicably. Further, the petitioner as well as the *de facto* complainant have filed separate affidavits to the effect that they have entered into this compromise to ensure a well-being and 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 she desires to move forward with a peaceful life and to avoid any further harassment or distress caused by the ongoing legal proceedings. Therefore, this Court is inclined to quash the FIR in exercise of its jurisdiction under Section 528 of BNSS. In the present case, the offences in question are purely individual/personal in nature. It involves dispute between the petitioner 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.

9. In view of the above, this Criminal Original Petition is allowed. The First Information Report in Crime No.388 of 2025 pending on the file of the first respondent-Police, is quashed as against the petitioner. The Joint Memo of



Compromise filed by the petitioner and the second respondent and the

individual affidavits filed by the petitioner and the 2<sup>nd</sup> respondent for

compromising the offences shall form part of the record.

**25-09-2025**

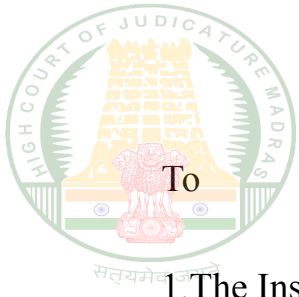
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

1. The Inspector of Police  
S-8, Adambakkam Police Station,  
Chennai - 600088. Crime No.  
388/2025.

2. The Public Prosecutor,  
High Court, Chennai.



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**N.SATHISH KUMAR J.**

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