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CRL OP No. 26935 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-10-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 26935 of 2025

1. Yogalakshmi

2. Kamalakkannan

3. Tharabai

Petitioner(s)

Vs

1. The State Rep By,
The Inspector of Police
Arcot Town Police Station,
Ranipet District.

2.Kavitha Ramu

Respondent(s)

PRAYER

This Criminal Original Petition is filed under Section 528 of BNSS, to quash the charge sheet filed in C.C.No.61 of 2025 arising out of Crime No.368 of 2022 on the file of the learned District Munsif Cum Judicial Magistrate, Arcot, in view of the amicable settlement and compromise entered into between the petitioners/accused 1 to 3 and the defacto complainant / 2nd respondent.

For Petitioner(s): Mr.J.Sreeram Bullappan

For R1 Mr.K.M.D.Muhilan
Additional Public Prosecutor



R2

Appeared in person

ORDER

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This Criminal Original Petition has been filed to quash the charge sheet filed in C.C.No.61 of 2025 arising out of Crime No.368 of 2022 on the file of the learned District Munsif Cum Judicial Magistrate, Arcot, in view of the amicable settlement and compromise entered into between the petitioners/accused 1 to 3 and the defacto complainant / 2nd respondent.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the first respondent-Police and perused the materials available on record.

3. It is the case of the prosecution that the *defacto* complainant lodged a complaint as against the accused persons that the accused persons misappropriated a sum of Rs.24,00,000/- from the account of her father late Mr.M.Nandagopal. The petitioners herein are the defacto complainant's mother, sister and brother-in-law. Based on the complaint, the first respondent-Police registered a case in Crime No.368 of 2022 as against the accused persons for the offence under Section 420 of IPC. After completion of investigation, the



first respondent-Police filed a charge sheet and the same was taken on file in C.C.No.61 of 2025 pending on the file of the District Munsif cum Judicial Magistrate Court, Arcot.

4. Mr.A.Srinivasan, SSI, Arcot Town Police Station was present before this Court and he informed this Court that the *defacto* complainant and the petitioners had approached him and informed that since they have amicably settled the dispute between them, they do not want to proceed further with the criminal proceedings.

5. The *defacto* complainant is also present before this Court at the time of hearing. This Court enquired the *defacto* complainant and she had stated that they had amicably settled the dispute between themselves and she is not willing to proceed with the criminal proceedings and seeks to quash the same.

6. The learned Additional Public Prosecutor appearing on behalf of the first respondent-Police submitted that though the parties entered into a compromise while this case is pending, this Court, taking into account the nature 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.



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 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. Further, the Hon'ble Supreme Court in *K.Bharthi Devi v. State of Telengana* reported in *(2024) 10 SCC 384*, has held that the offences, which overwhelmingly and predominantly bear civil flavour having arisen out of civil,



mercantile, commercial, financial, partnership or such like transactions, where the wrong is basically to the victim, and the offender and the victim have settled all the disputes between them amicably, can be quashed by the High Court in exercise of its jurisdiction under Section 482 Cr.P.C/528 of BNSS.

9. In the present case, the offence in question are purely individual/personal in nature. It involves dispute between the petitioner and the defacto 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.

10. However, in the present case, the wrong is basically to the victim. The offender and the victim have now settled all the dispute 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 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 had settled the issues with the petitioners so as to maintain the harmony in their life in future. In view of the above, this Court is inclined to quash the charge sheet filed in C.C.No.61 of 2025 pending on the file of the District Munsif cum Judicial Magistrate, Arcot in exercise of its jurisdiction under Section 482 of Cr.P.C/528 of BNSS.

11. Accordingly, this Criminal Original Petition is allowed and the case in C.C.No.61 of 2025 pending on the file of the District Munsif cum Judicial Magistrate, Arcot, is quashed as against the petitioners. The Joint Compromise Memo and separate affidavits filed by the petitioners and the second respondent for compromising the offences shall form part of the records.

09-10-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To
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1. The District Munsif Cum Judicial
Magistrate, Arcot,
2. The Inspector of Police
Arcot Town Police Station,
Ranipet District.
3. The Public Prosecutor
High Court, Chennai.



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