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CRL OP No. 26244 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 24-09-2025**

CORAM

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

**CRL OP No. 26244 of 2025  
and CRL MP No. 17852 of 2025**

1. Periyasamy

2. Ganesan

Petitioner(s)

Vs

1. The state represented by  
Inspector of Police  
The Inspector of Police,  
Valavandhi Nadu Police Station,  
Namakkal District.

2. (redacted)

Respondent(s)

|                 |   |                                                                                       |
|-----------------|---|---------------------------------------------------------------------------------------|
| For Petitioners | : | Mr.M.Jaisingh                                                                         |
| For Respondents | : | Mr.R.Vinothraja,<br>Govt. Advocate (Crl. Side), for R1<br>Mr.W.Camyles Gandhi, for R2 |



**Prayer:**

To call for the records of the impugned proceedings pending in C.C.No.54 of 2024 on the file of learned Judicial Magistrate, Sendamangalam and quash the same.

**ORDER**

This Criminal Original Petition has been filed to quash the Crime No. 01 of 2025 pending on the file of the first respondent for the offence under sections 329(4), 75(1)(i), 75(2), 351(3), 118(1) of BNS Act, 2023.

2. It is the case of the prosecution that on 17.01.2024 at 1.20 p.m., the second respondent's parents went to their garden and the de-facto complainant was alone at home, studying. At that time, the petitioners illegally trespassed into her house, covered her mouth and hugged her. Once the second respondent screamed, the petitioners ran out of the house. Thereafter, on 02.01.2025, the first respondent registered a case in Crime No.01 of 2025.

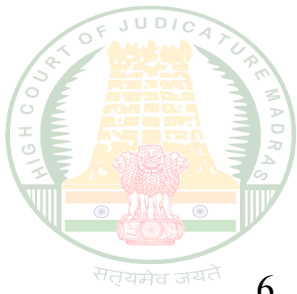


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3. The petitioners have stated that the petitioners and the second respondent/defacto complainant amicably settled the issues between themselves and hence, seeks to quash the Final Report as against the petitioners. The petitioners also filed a Joint Memo of Compromise executed between the petitioners and the second respondent.

4. Mr. A.Steephan Lurdu Raj, Special Sub Inspector of Police, Valavanthinadu Police Station, Namakkal, was present before this Court and informed 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.

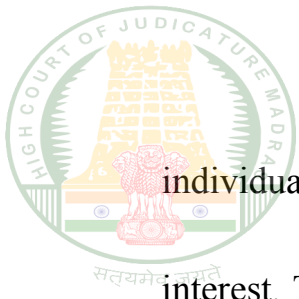
5. The defacto Complainant and the petitioners are present before this Court at the time of hearing. This Court enquired the defacto complainant and she stated that she had amicably settled the dispute with the petitioners and she is not willing to proceed with the the criminal proceedings and seeks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



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6. 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.

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 petitioner. 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 Act, 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

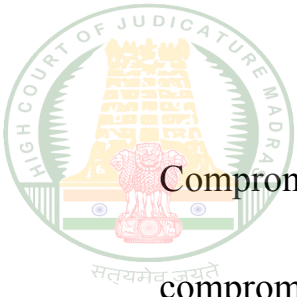


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individual in nature or a crime against the society with overriding public interest. The Hon'ble Supreme Court has held that offences against the society with overriding public interest even if it gets settled between the parties, cannot be quashed by this Court.

8. In the present case, the offence in question is purely individual/personal in nature. It involves dispute between the petitioners 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. In view of the above, this Court is inclined to quash the First Information Report registered in Crime No.01 of 2025 pending on the file of the first respondent in exercise of its jurisdiction under 528 of BNSS Act.

9. Accordingly, this Criminal Original Petition is allowed and the First Information Report registered in Crime No.01 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 the records. Consequently,

connected miscellaneous petition is closed.

**24-09-2025**

pvs

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To  
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The Inspector of Police  
Valavandhi Nadu Police Station,  
Namakkal District.



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**N.SATHISH KUMAR J.**

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