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CrI.O.P.No.26802 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2025

CORAM:

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.26802 of 2025

1. Johnson
 2. Sumathi @ Elizabeth Sumathi
 3. Arokiya Jayaseelan
 4. Diana Mary
- ... Petitioners

Vs.

1. State
Inspector of Police
K-2 Ayyanavaram Police Station
Kilpauk
(Crime No.106 of 2024)

2. Sindhu
- ... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of B.N.S.S. seeking the relief of quashing the FIR in connection with the Crime No.106 of 2024.

For Petitioners : Mr.S.Senthilvel

For Respondents : Mr. K.M.D.Muhilan
Additional Public Prosecutor for R1



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ORDER

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2. Based on the complaint lodged by the defacto complainant/second respondent alleging that on 05.05.2024 at about 9.30 p.m., the petitioners abused her in filthy language and also assaulted her with rod and bricks, the above First Information Report came to be registered against the petitioners.

3. The learned counsel for the petitioners submits that now the parties have arrived to an amicable settlement between themselves and a Joint Compromise Memo signed by both the parties, has also been filed to that effect. Hence, he prays to quash the First Information Report as against the petitioners.

4. The petitioners and the de facto complainant/second respondent were present before this Court at the time of hearing and they were identified by their respective counsel and by Mr.S.Pandiyan, Sub Inspector of Police, K-2 Ayyanavaram Police Station, Ayyanavaram, Chennai.



5. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6. The learned Government Advocate (Crl. Side) appearing on behalf of the first respondent police submitted that though the parties entered into a compromise while the investigation 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 petitioners. The Hon'ble Supreme Court in the case of *Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrat*, 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./528 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. In the present case, the offences in question are purely individual/personal in nature. It involves dispute between the petitioners 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.

9. In view of the above, this Court is inclined to quash the First Information Report registered against the petitioners, in exercise of its jurisdiction under Section 482 of Cr.P.C./528 BNSS.

10. Accordingly, this Criminal Original Petition is allowed and the First Information Report registered against the petitioners in Crime No.106 of 2024 dated 07.05.2024, on the file of the first respondent police, is quashed, subject to condition that the petitioners shall pay costs of Rs.5,000/- (Rupees Five Thousand Only) to the credit of Tamil Nadu State Legal Services Authority, on or before 20.11.2025.

11. The consent affidavit of the de facto complainant, Nil dated, September 2025 and the Joint Compromise Memo signed by both the parties for compromising the offences, shall form part of the records.



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12. Post the matter on 20.11.2025 “for reporting compliance.”

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Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No

Note: Issue Order Copy on 05.11.2025.

To

1.The Inspector of Police
K-2 Ayyanavaram Police Station
Kilpauk

2.The Public Prosecutor
High Court of Madras, Chennai



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A.D.JAGADISH CHANDIRA J.

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