



Crl.O.P.No.27569 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.No.27569 of 2025 & Crl.M.P.No.18652 of 2025

S.SanthoshSivan

... Petitioners

Vs.

1. The State of Tamil Nadu represented by,
The Inspector of Police,
Nettapakkam Police Station
Puducherry District, Puducherry – 605 106

2. Redacted

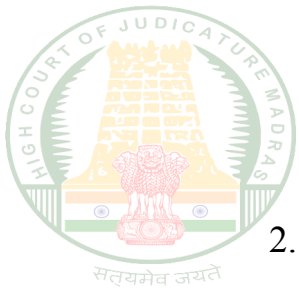
... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records and quash the FIR in Cr.No.38/2022 dated 15.04.2022 on the file of the 1st respondent.

For Petitioner	:	Mr.V.T.Narendiran
For R1	:	Mr.R.Vinothraja
		Government Advocate (Crl.Side)
For R2	:	Mr.D.Yuvarajan for R2

ORDER

The Criminal Original Petition has been filed seeking to quash the FIR in Cr.No.38/2022 under Sections 354A(1)(ii), 354-D(1)(ii), 324 and 506(ii) of IPC on the file of the first respondent based on the compromise reached between the parties



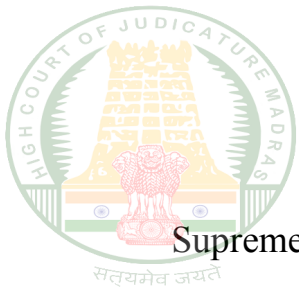
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2. The petitioner and the de-facto complainant/R2 appeared before this Court and were identified by their respective counsel as well as by Mr.G.Alaganathan, ASI, Nettapakkam Police Station, Puducherry.

3. The crux of the allegations in the FIR is that the accused under the guise of friendship had advanced physical contact and explicit sexual overtures. Further, made several attempts to contact her through Whatsapp video call and on the date of the offence had followed her to secluded place to attempt to commit rape and since the victim refused, he threatened to kill her husband and had attacked the defacto complainant. Hence, the complaint.

4. On being enquired by this Court, the defacto complainant stated that by passage of time, the petitioner and the defacto complainant settled their issue amicably and now, she is not willing to pursue the the criminal proceedings and therefore, 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

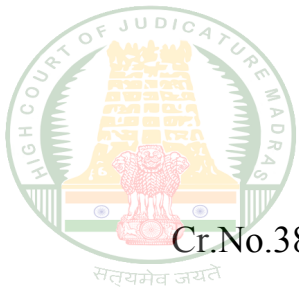


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Supreme Court in the case of *Parbathbhai Aahir @ Parbathbhai Vs. State of Gujarat*, reported in *2017 9 SCC 641* and in case of *The State of Madhya Pradesh Vs. Dhruv Gurjar and Another* reported in *(2019) 2 MLJ Crl 10*, has given sufficient guidelines 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 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.

7. In view of the above, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition stands closed. The FIR in



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Cr.No.38/2022 on the file of the first respondent stands quashed as against

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the petitioner. The Joint Compromise Memo filed by the petitioner and the second respondent for compromising the offences shall form part of the record.

09.10.2025

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Neutral Citation:Yes/No



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1. The Inspector of Police,
Nettapakkam Police Station
Puducherry District, Puducherry – 605 106
2. The Public Prosecutor,
High Court of Madras.

N. SATHISH KUMAR, J.



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