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CRL OP No. 27807 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-10-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 27807 of 2025

1. Arun Kumar

S/o.Rajasekaran, 6A/13, Parthasarathy
Samy Street, Triplicane, Chennai - 600
005.

Petitioner(s)

Vs

1. The State Rep. by the Inspector of
Police,
W-1, All Women Police Station,
Thousand Lights, Triplicane, Chennai.
(Crime No.12/2024)

2. xxxxxx

xxxxxxxxxx

Respondent(s)

PRAYER : Criminal Original Petition filed under section 528 of BNSS to call for the records and quash the proceedings in S.C.No.410 of 2025 on the file of the Sessions Judge (Mahalir Neethimandram), Chennai in entirety and pass such other necessary orders as this Honble Court.



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For Petitioner(s): Mr.D.Ilayaraja

For Respondent(s): Mr.K.M.D.Muhilan,
Additional Public Prosecutor – R1
Mr.P.Chandran – R2

ORDER

This petition has been filed to quash the case in S.C.No.410 of 2025 on the file of the Sessions Judge, Magalir Neethimandram, Chennai for the offences under section 64[2] [m], 351[2] and 318 [2] of BNS.

2. The case of the prosecution is that the defacto complainant and the petitioner were running their business in the same location. It is the further case of the prosecution is that the petitioner and the defacto complainant were in physical intimacy at the workplace of the defacto complainant and when the defacto complainant asked the petitioner to marry her, the petitioner demanded 25 sovereigns of gold and a car as a dowry to convince the mother of the petitioner for the marriage. However, as the mother of the petitioner refused for the marriage, the defacto complainant had lodged the present complaint.



3. The petitioner and the second respondent had filed Joint Memo of Compromise stating that they had arrived at a compromise between them and the second respondent has decided not to proceed with the criminal case in S.C.410 of 2025 and they also undertook that they will not under any circumstances disturb each other by any means whatsoever and hence, seeks to quash the criminal proceedings against the petitioner.

4. The second respondent was also present before this Court at the time of hearing. The second respondent has been identified by her counsel as well as Ms.J.Sarumathy, Sub Inspector of Police, W1AWPS, Thousand Lights, Chennai and the petitioner has been identified by the learned counsel appearing for the petitioner. This Court enquired the second respondent and she had stated that there was a love affair between herself and the petitioner and now that herself and the petitioner had compromised the matter, wanted the criminal proceedings to be quashed.



5. The learned Additional Public Prosecutor 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.

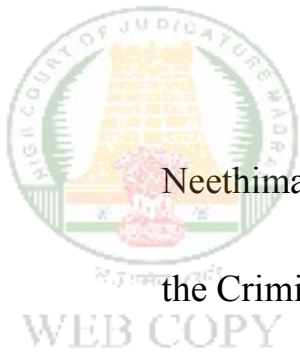
6. The main issue that requires the consideration of this Court is as to whether this Court can quash the criminal proceedings involving non-compoundable offences pending against the petitioner. The Hon'ble Supreme Court in the case of *Parbathbhai Aahir @ Parbathbhai Vs. State of Gujra*th, reported in *2017 9 SCC 641* and in case of *The State of Madhya Pradesh Vs. Dhruv Gurjar and Another* reported in *(2019) 2 MLJ CrI 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.

7. In the present case, the offences in question are purely individual/personal in nature. It involves the first petitioner and the second respondent and their respective families only. It involves the future of two young persons who are still in their early twenties. Quashing the proceedings, will not affect any overriding public interest in this case and it will in fact pave way for the first petitioner and the second respondent to settle down in their life and look for better future prospects. No useful purpose will be served in continuing with the criminal proceedings and keeping these proceedings pending will only swell the mental agony of the first petitioner and the second petitioner and their parents as well.

8. In view of the above, this Court is inclined to quash the criminal case in S.C.No.410 of 2025 on the file of the Sessions Judge, Magalir



Neethimandram, Chennai, in exercise of its jurisdiction under Section 482 of the Criminal.

9. Accordingly, this Criminal Original Petition is allowed and the the case in S.C.No.410 of 2025 on the file of the Sessions Judge, Magalir Neethimandram, Chennai, is quashed. The Joint Memo of Compromise filed by the parties shall form part of the records.

13-10-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

vrc

To

1. The Sessions Judge,
Magalir Neethimandram, Chennai
2. The Inspector of Police,
W-1, All Women Police Station,
Thousand Lights, Triplicane, Chennai.
(Crime No.12/2024)
3. The Public Prosecutor,
High Court, Madras.



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N.SATHISH KUMAR J.

VRC

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