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CRL OP No. 27971 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-10-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 27971 of 2025

1. Chinnamuthu

Petitioner(s)

Vs

1. The State of Tamil Nadu Rep.by
The Sub Inspector of Police,
Mecheri Police station, Salem District.
Cr.No.368 of 2024.

2.Saroja

Respondent(s)

PRAYER

This criminal original petition is filed under Section 528 of BNSS, to call for the records and to quash the proceedings in CC.No.408 of 2025 on the file of the Judicial Magistrate No.II Court, Mettur, Salem District.

For Petitioner(s): M/s.S.Prabha

For R1 Mr.R.Vinothraja
Government Advocate (Crl.Side)

For R2 Mr.B.Viswanathan



ORDER

This criminal original petition has been filed to call for the records and to quash the proceedings in CC.No.408 of 2025 on the file of the Judicial Magistrate No.II Court, Mettur, Salem District.

2. Heard the learned counsel for the petitioner 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 due to previous enmity, the sole accused threatened the *defacto* complainant and beaten her with stick. Based on the complaint made by the defacto complainant, the first respondent-Police registered a case in Crime No.368 of 2024 as against the accused for the offences under Sections 294(b), 323, 506(2) and 326 of the IPC. After completion of investigation, the first respondent-Police filed a charge sheet and the same was taken on file in CC.No.408 of 2025 on the file of the Judicial Magistrate No.II Court, Mettur, Salem District.

4. Mr.G.Dhanaraj, SSI, Mecheri Police Station, Salem District was present before this Court and he informed this Court that the *defacto*



complainant and the petitioner had approached her 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 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 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./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. 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.

9. 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 petitioner 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 petitioner so as to maintain the harmony in their life in future. In view of the above, this Court is inclined to quash the proceedings in CC.No.408 of 2025 on the file of the Judicial Magistrate No.II Court, Mettur, Salem District in exercise of its jurisdiction under Section 482 of Cr.P.C/528 of BNSS.

10. Accordingly, this Criminal Original Petition is allowed and the case in CC.No.408 of 2025 on the file of the Judicial Magistrate No.II Court, Mettur, Salem District is quashed as against the petitioner. The Joint Compromise Memo and separate affidavits filed by the petitioner and the second respondent for compromising the offences shall form part of the records.

14-10-2025

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To

1. The Judicial Magistrate No.II, Mettur,
Salem District.

2. The Sub Inspector of Police,
Mecheri Police station, Salem District.
Cr.No.368 of 2024.

3. The Public Prosecutor,
High Court, Chennai.



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N.SATHISH KUMAR J.

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