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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-11-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

Crl. O.P. No. 29182 of 2025 and Crl. M.P. No.19794 of 2025

M. Subhashini W/o. Manickam

Petitioner(s)

Vs

1.The Inspector of Police,
M2- MM Colony Police Station,
Madhavaram Milk Colony,
Chennai – 600 060.

2. J. Manickam

Respondent(s)

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C/528 of BNSS to call for the records pertaining to the FIR in Crime No.5 of 2025 dated 05.01.2025 on the file of the 1st respondent and to quash the same.

For Petitioner(s): Mr.C. Kanagaraju

For Respondent(s): Mr.R.Vinothraja
Government Advocate (Crl. Side) for R1
No Appearance for R2

ORDER

This Criminal Original Petition has been filed seeking to call for the records pertaining to the FIR in Crime No.5 of 2025 dated 05.01.2025 on the



file of the 1st respondent and to quash the same.

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2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the first respondent.

3. Based on the complaint given by the husband of the petitioner/de facto complainant/R2, a case in Crime No.5 of 2025, was registered for the offence under Section 109 of BNS, 2023 on the file of the 1st respondent.

4. The learned counsel for the petitioner would submit that the incident has happened when the petitioner was under mental depression. The victim is none other than her own son and the defacto complainant is her husband. Her husband and victim son are present before this Court. He would further submit that the petitioner's son has recovered after treatment and the matter has been compromised between them. Accordingly, an affidavit has been filed by the defacto complainant to that effect. Therefore, the learned counsel for the petitioner seeks to quash the FIR filed as against the petitioner.



5.The de-facto complainant and victim appeared before this Court and were identified by the respective counsel as well as by the Inspector of Police, M2, MM Colony Police Station, Chennai. On being enquired by this Court, the de facto complainant stated that he has amicably settled the dispute with the petitioner and he is not willing to pursue the criminal proceedings against the petitioner.

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 Gujarat*,



reported in *2017 9 SCC 641* 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 they get 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 and happened among the family members. 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. In view of the

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above, this Court is inclined to quash the First Information Report registered in



Crime No.5 of 2025 pending on the file of the 1st respondent, in exercise of its jurisdiction under Section 482 of Cr.P.C.

9. In view of the above, the First Information Report registered in Crime No.5 of 2025 pending on the file of the 1st respondent, is quashed as against the petitioner. Affidavit filed by Husband of the petitioner/2nd respondent herein along with the petitioner and the victim for compromising the offences shall form part of the records.

10. In the result, the Criminal Original Petition is allowed.

11-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To:

1. The Inspector of Police,
M2- MM Colony Police Station,
Madhavaram Milk Colony, Chennai – 600 060.

2. The Public Prosecutor,
Madras High Court.

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