



WEB COPY

CRL OP No. 27565 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-10-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 27565 of 2025

Thanga Thai

Petitioner(s)

Vs

1. State rep by the Inspector of Police
F2-Egmore Police station, Egmore,
Chennai-08
Cr.No.488 of 2024

2.(Redacted)

Respondent(s)

PRAYER

To call for the records in Cr.No.488 of 2024 pending on the file of the Inspector of Police, F2 Egmore Police station, Chennai and quash the same.

For Petitioner(s): Dr.Xavier Arulraj,
Senior Counsel
for A.Arul Mary

For Respondent(s): Mr.R.Vinothraja,
Govt. Advocate (Crl. Side), for R1
M/s.S.Manikandan For R2

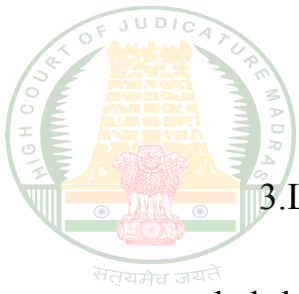


ORDER

WEB COPY

This Criminal Original Petition has been filed to quash the FIR in Cr.No.488 of 2024 on the file of the 1st respondent Police, registered against the petitioners for the offences under Sections 118(1), 296(b) of BNS and Section 75 of Juvenile Justice (Care and Protection of Children) Act, based on the compromise arrived at by the petitioners and the 2nd respondent/*de facto* complainant.

2. It is the case of the *de facto* complainant that her son was studying 8th Standard in a School, where the petitioner was working as a teacher. During lunch hour, *de facto* complainant's son was arguing with another student for eating his food. At that time, the petitioner came there and scolded him and also has beaten her son. Hence, the *de facto* complainant lodged a complaint with the 1st respondent Police. Based on the complaint, the present FIR came to be filed in Cr.No.488 of 2024 as against the petitioner. Now, the same is sought to be quashed based on the compromise arrived at between the petitioner and the *de facto* complainant.

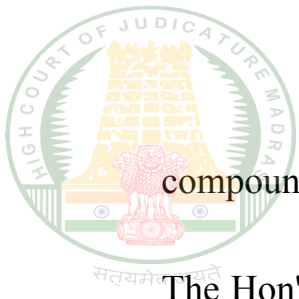


3.Learned counsel for the petitioners would submit that the petitioner has settled the dispute with the *de facto* complainant amicably and hence, seeks to quash the First Information Report as against her. A Joint Memo of Compromise has been executed between the petitioner and the 2nd respondent to that effect.

4.Heard the learned counsel on either side. The petitioner/accused is present before this Court. The *de facto* complainant/2nd respondent is also present before this Court today and they are identified by their respective counsel as well as by Mr.M.Singaravelan, Sub-Inspector of Police, F2, Egmore Police Station, Egmore, Chennai, who is also present before this Court.

5.On being enquired by this Court, the *de facto* complainant stated that she has amicably settled the dispute with the petitioner and she is not willing to pursue the criminal proceedings and therefore, seeks to quash the FIR.

6.Now, the main issue that requires the consideration of this Court is as to whether this Court can quash the criminal proceedings involving non-



compoundable offence pending against the petitioner, based on a compromise.

The Hon'ble Supreme Court, in the case of ***Parbathbhai Aahir @ Parbathbhai***

WEB COPY

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 the

High Court while exercising its jurisdiction under Section 482 of

Cr.P.C./Section 528 BNSS, to quash non-compoundable offence(s). One very

important test that has been laid down is that the Court must necessarily

examine as to whether 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.However, in the present case, in the joint memo of compromise it is stated that the petitioner is working as a School Teacher and the defacto complainant's son was as a student under her and the incident was not intentional. Now, the student also passed out of the School and joined some



WEB COPY

other School and he has no grievance against the teacher. 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 desires to move forward with a peaceful life and to avoid any further harassment or distress caused by the ongoing legal proceedings. Therefore, this Court is inclined to quash the FIR in exercise of its jurisdiction under Section 528 of BNSS.

8. Accordingly, this Criminal Original Petition is allowed and the First Information Report in Crime No.488 of 2024 on the file of the 1st respondent Police, for the offences under Sections 118(1), 296(b) of BNS and Section 75 of Juvenile Justice (Care and Protection of Children) Act, is quashed. The Joint Memo of Compromise filed by the petitioner and the 2nd respondent and the



individual affidavits filed by the petitioner and the 2nd respondent shall form part
of the records.

WEB COPY

09-10-2025

pvs

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



CRL OP No. 27565 of 2025



To
WEB COPY

The Inspector of Police
F2-Egmore Police station,
Egmore, Chennai-08
Cr.No.488 of 2024



WEB COPY

CRL OP No. 27565 of 2025



N.SATHISH KUMAR J.

pvs

**CRL OP No. 27565 of
2025**

09-10-2025