



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-09-2025

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CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 26758 of 2025

1. Sultan Basha

S/o.Aman Basha, No.7/350A, 179th
Street, Muthamizh Nagar, Kodungaiyur,
Chennai.

2. Dawood Basha

S/o.Chand Basha, New No.29, Old
No.12, Jani Jahan Khan Road,
Royapettah, Chennai-600 014.

3. Aman Basha

S/o.Amir Basha, No.7/350A, 179th
Street, Muthamizh Nagar, Kodungaiyur,
Chennai-600 118.

4. Shainash

W/o.Aman Basha, No.7/350A, 179th
Street, Muthamizh Nagar, Kodungaiyur,
Chennai-600 118.

Petitioner(s)

Vs

1. The State Rep by, The Sub Inspector
of Police,
W-1, All Women Police Station,
Thousand Lights, Chennai-600 006.



2. Almas Begum

W/o. Sultan Basha, D/o. K. Mohammed

Rafi, No. 299/44, Valluvarkottam Main

Road, Nungambakkam, Chennai-600

034.

Respondent(s)

PRAYER : Criminal Original Petition filed under section 528 of BNSS to call for the records pertaining to the CC No.55/2025 pending on the file of Metropolitan Magistrate Additional Mahila Court, Egmore, and compromise quash the same.

For Petitioner(s): B. Gopalakrishnan

For Respondent(s): Mr. R. Vinodh Raja,
Government Advocate [Crl. Side] – R1

Mr. S. Syed Fareed – R2

ORDER

This Criminal Original Petition has been filed to quash the final report filed in CC No.55/2025 pending on the file of Metropolitan Magistrate Additional Mahila Court, Egmore, Chennai for the offences under sections 85 and 61 [2] of BNS 2023.



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2. The first petitioner is the husband of the second respondent. The second petitioner is the husband of the first petitioner's sister and the third and fourth petitioners are the parents of the first petitioner. The allegations against the petitioners in the Final Report is that they demanded dowry and attacked the second respondent and sent her out of the matrimonial home along with her child.

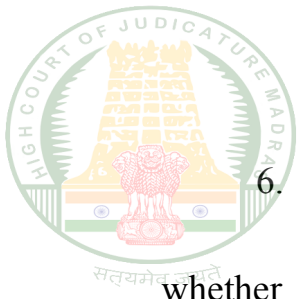
3. The petitioners along with the second respondent had filed Compromise Memo wherein it has been stated that the second respondent had received a sum of Rs.9,50,000/- as full and final settlement towards permanent alimony and she undertakes that she will not claim any maintenance or other rights before any Court or Forum at any point of time in future against the first petitioner. The second respondent agreed to give her consent for getting talaq / divorce from the first petitioner and the second respondent has no objection for quashing the final report filed in C.C.55 of 2025 on the file of the Metropolitan Magistrate, Additional Mahila Court, Egmore, Chennai. The second respondent had also agreed to withdraw the suit filed by her in O.S.No.263 of 2025 before



the learned I Additional Judge, Family Court, Chennai and there will be no claim between the parties in future.

4. The Defacto Complainant is also present before this Court at the time of hearing and she has been identified by her counsel and Ms.Sarumahy, Sub Inspector of Police, W1 AWPS, Thousand Lights, Chennai. 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 the criminal proceedings and seeks to quash the same.

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.



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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 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.

7. In the present case, the offence in question are purely individual/personal in nature. It involves dispute between the petitioners 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. In view of the above, this Court is

inclined to quash the Final Report filed in the case in C.C.No.55 of 2025 on the

file of the Metropolitan Magistrate, Additional Mahila Court, Egmore, Chennai

in exercise of its jurisdiction under Section 482 of Cr.P.C..

8. Accordingly, this Criminal Original Petition is allowed and the case in C.C.No.55 of 2025 on the file of the Metropolitan Magistrate, Additional Mahila Court, Egmore, Chennai, is quashed. The Compromise Memo filed by the petitioners and the second respondent for compromising the offences shall form part of the records.

26-09-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

vrc



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1. The Metropolitan Magistrate,
Additional Mahila Court,
Egmore, Chennai
2. The Sub Inspector of Police,
W-1, All Women Police Station,
Thousand Lights, Chennai-600 006.
3. The Public Prosecutor,
High Court, Madras.



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N.SATHISH KUMAR J.

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