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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-11-2025

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THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CrI. O.P. No.30078 of 2025

B. Santhosh Kumar

Petitioner(s)

Vs

1. The State represented by
The Inspector of Police,
Pallikaranai Police Station,
(Crime No.1212 of 2018)

2. Mrs. Senthamarai

Respondent(s)

PRAYER:Criminal Original Petition filed under section 528 of BNSS to call for the records pertaining to CC No.514 of 2022 on the file of the Additional Mahila Judge, Alandur, arising out of Crime No.1212 of 2018 on the file of the Inspector of Police, Pallikaranai Police Station.

For Petitioner(s): Mr.D. Alexis Sudhakar

For Respondent(s): Mr.K.M.D. Muhilan
Additional Public Prosecutor for R1
Mr. J. Deliban for R2



ORDER

This Criminal Original Petition has been filed seeking to call for the records pertaining to CC No.514 of 2022 on the file of the Additional Mahila Judge, Alandur, arising out of Crime No.1212 of 2018 on the file of the Inspector of Police, Pallikaranai Police Station.

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 de-facto complainant/R2, a case in Crime No.1212 of 2018, was registered for the offences under Sections 417, 406, 380, 506(I) of IPC, 1860, and subsequently, altered to under Sections 417, 406, 496, 506(I) of IPC 1860 and the same was taken on file by the Additional Mahila Judge, Alandur which is pending before it.

4.The petitioner has stated that he has settled the dispute with the de facto complainant amicably and hence, seeks to quash the charge sheet in C.C.



No.514 of 2022 on the file of the Additional Mahila Judge, Alandur. They have also filed a Joint Memo of Compromise to that effect.

5.The petitioner and the de-facto complainant/R2 appeared before this Court and were identified by their respective counsel as well as by the Inspector of Police, Pallikaranai Police Station.

6.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 the criminal proceedings against the petitioner and therefore, seeks to quash the same.

7.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.



8. 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* 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 they get settled between the parties, cannot be quashed by this Court.

9. In the present case, the offences in question are purely individual/personal in nature. 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 above, this Court is inclined to quash the charge sheet in C.C. No.514 of 2022 on the file of the Additional Mahila Judge, at Alandur, in exercise of its jurisdiction under Section 482 of Cr.P.C.

10. In view of the above, the C.C. No.514 of 2022 pending on the file of Additional Mahila Judge, at Alandur, is quashed as against the petitioner and this Criminal Original Petition is allowed on condition that the petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) as costs to the Tamil Nadu State Legal Services Authority (TNSLSA), High Court Campus, Chennai 600 104, within a period of one (1) week from the date of receipt of a copy of this order. The Joint Memo of Compromise filed by the petitioner and the second respondent for compromising the offences shall form part of this order.



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A.D.JAGADISH CHANDIRA, J.,

lbm

11. With the aforesaid direction, the Criminal Original Petition is disposed of.

11-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

Lbm

To:

1. The Inspector of Police,
Pallikaranai Police Station, Chennai.
(Crime No.1212 of 2018)

2. The Public Prosecutor,
Madras High Court.

Crl. O.P. No.30078 of 2025