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Crl.O.P.Nos.28883 of 2025 & 21546 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2025

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos.28883 of 2025 & 21546 of 2023

and

Crl.MP.Nos.19572 of 2025 & 14833 of 2023

1. M.Y.Shahul Hameed
2. M.Y.Mohammed Imthiaz ...Petitioners in Crl.OP.No.28883 of 2025
3. J.M.H.Sulthani
4. M.Y.Mohammed Irfan
5. M.Y.Sofia
6. Abdhur Raheem ...Petitioners in Crl.OP.No.21546 of 2023

Vs.

1. State represented by,
The Sub-Inspector of Police,
All Women Police Station-East,
Coimbatore City.
Crime No.48 of 2023
2. Sathika ...Respondents in both petitions

Common Prayer: Criminal Original Petitions filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to call for the records relating to FIR in Crime No.48 of 2023, on the file of the 1st respondent police and quash the same.



Crl.O.P.Nos.28883 of 2025 & 21546 of 2023

For Petitioners : Ms.Meera Ramesh
(in Crl.OP.No.28883 of 2025)
: Mr.G.Ravikumar
(in Crl.OP.No.21546 of 2023)

For Respondents : Mr.K.M.D.Muhilan, APP, for R1
(in both petitions)
: Mr.D.Stalin, for R2
(in Crl.OP.No.28883 of 2025)
: Mr.T.Arul, for R2
(in Crl.OP.No.21546 of 2023)

COMMON ORDER

These criminal original petitions have been filed seeking to quash the First Information Report in Crime No.48 of 2023, pending against the petitioners, on the file of the first respondent-Police, on the basis of the compromise arrived at between the petitioners and the *de facto* complainant/ 2nd respondent.

2. Heard the learned counsel on either side and perused the materials available on record.

3. Based on the complaint given by the *de facto* complainant/R2, the aforesaid case in Crime No.48 of 2023 was registered on the file of the first respondent Police as against the petitioners for the offences under Sections 294(b), 323, 406, 498(A) and 506(I) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.



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4. Learned counsel appearing for the respective petitioners as well as the respective learned counsel for the 2nd respondent submitted that the 2nd respondent/de facto complainant is none other than the wife of the first accused and due to some matrimonial disputes, the present complaint came to be filed. They further submitted that the parties were referred to mediation during which, a settlement was arrived at between the parties and as per the said settlement, the petitioners have already paid a sum of Rs.34 lakhs to the 2nd respondent/de facto complainant and a Demand Draft bearing No.443930 dated 08.10.2025 for the balance amount of Rs.16 Lakhs has also been handed over to the 2nd respondent/de facto complainant and therefore, the parties have now amicably settled the issue among themselves. Hence, they seek to quash the First Information Report as against the petitioners. Separate consent Affidavits of the 2nd respondent and a common Joint Memo of Compromise to that effect have also been filed.

5. The 1st petitioner in Crl.OP.No.28883 of 2025/A1 and the *de facto* complainant/R2 appeared before this Court and they were identified by the learned counsel on either side and also by Ms.J.Annie, SSI, AWPS East, Coimbatore.



CrI.O.P.Nos.28883 of 2025 & 21546 of 2023

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

7. Learned Additional Public Prosecutor appearing on behalf of the first respondent submitted that though the parties have entered into a compromise, this Court, taking into account the seriousness of the offences, has to consider the issue as to whether offences 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 petitioners. 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. (corresponding to Section 528 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

4/7



CrI.O.P.Nos.28883 of 2025 & 21546 of 2023

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 cases, the offences in question are purely individual/personal in nature. It involves dispute between the respective petitioners 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.

10. In view of the above, this Court is inclined to quash the First Information Report in Crime No.48 of 2023 pending on the file of the first respondent police, in exercise of its jurisdiction under Section 482 Cr.P.C./Section 528 BNSS.

11. Accordingly, these criminal original petitions stand disposed of and the First Information Report in Crime No.48 of 2023 pending on the file of the first respondent police is quashed as against the petitioners, on condition that the petitioners shall pay a sum of Rs.20,000/- (Rupees Twenty Thousand only) in total as costs to the Tamil Nadu State Legal Services Authority (TNSLSA), Madras High Court Buildings, Chennai – 600 104,



Crl.O.P.Nos.28883 of 2025 & 21546 of 2023

within a period of two (2) weeks from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petitions are closed.

12. The affidavits filed by the 2nd respondent and the Joint Memo of Compromise filed by the petitioners and the second respondent for compromising the offences shall form part of the records.

31.10.2025

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Neutral Citation: Yes/No

To

1. The Sub-Inspector of Police,
All Women Police Station-East,
Coimbatore City.
2. The Member Secretary,
Tamil Nadu State Legal Services Authority,
Madras High Court, Chennai.
3. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.Nos.28883 of 2025 & 21546 of 2023

A.D.JAGADISH CHANDIRA, J.

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