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Crl.O.P.No.27596 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.No.27596 of 2025

1.Sabapathi
2.Hariharan
3.Sabarinathan
4.Rajesh

... Petitioners

Vs.

1. The State of Tamil Nadu represented by,
The Inspector of Police,
J-7 Velacherry Police Station
Adyar Police District
Cr.No.176 of 2024

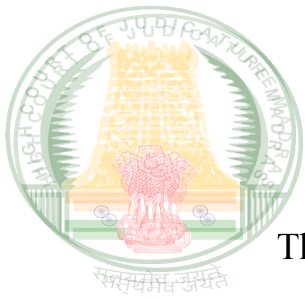
2. Chandramouli
3. Redacted

... Respondents

PRAYER : Criminal Original Petition is filed under Section 528 of BNSS, 2023 to call for the records in S.C.No.467/2024 on the file of the learned Sessions Judge (Magalir Neethimandram), Chennai and quash the same based on the compromise arrived between the parties.

For Petitioner : Mr.S.Elangovan
For R1 : Mr.R.Vinothraja
Government Advocate (Crl.Side)

ORDER



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The Criminal Original Petition has been filed seeking to quash the chargesheet in S.C.No.467/2024 under Sections 366 & 506(i) of IPC on the file of the learned Sessions Judge (Magalir Neethimandram) Chennai based on the compromise reached between the parties

2. The crux of the allegations in the FIR is that the accused had kidnapped his daughter and attempted to forcibly marry the victim without her consent. Hence, the complaint and the same has resulted in charge-sheet.

3. The petitioner and the de-facto complainant/R2 appeared before this Court and were identified by learned counsel for the petitioner as well as by Mr.K.Sakthivel, SI, J7 Velacherry Police Station.

3. On being enquired by this Court, the defacto complainant/R2 and the victim/3rd respondent stated that the first petitioner is the maternal cousin of the defacto complainant's daughter/R3 and now, with the timely intervention of elders and well-wishers, both families have completely resolved their difference and the petitioner. Thus, they are not willing to pursue the the criminal proceedings and therefore, seeks to quash the same.



4. 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 it gets settled between the parties, cannot be quashed by this Court.

5. 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.



Crl.O.P.No.27596 of 2025

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6. In view of the above, this Criminal Original Petition is allowed.

The charge-sheet in S.C.No.467/2024 on the file of the learned Sessions Judge (Magalir Neethimandram), Chennai stands quashed as against the petitioners. The Joint Compromise Memo filed by the petitioners and the respondents 2 and 3 for compromising the offences shall form part of the record.

09.10.2025

dhk

Neutral Citation: Yes/No

To

1. The Sessions Judge (Magalir Neethimandram), Chennai
2. The Inspector of Police,
J-7 Velacherry Police Station
Adyar Police District
3. The Public Prosecutor,
High Court of Madras.

N. SATHISH KUMAR, J.

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