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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-11-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 30539 of 2025

Rajalakshmi

Petitioner(s)

Vs

1. State Rep. by
The Inspector of Police
B-4, High Court Police Station,
High Court. Crime No. 12/2023.

2.K.Kasi Viswanathan

Respondent(s)

PRAYER:Criminal Original Petition filed under section 528 of BNSS to call for the records pertaining to C.C.No. 125/2024 on the file of the VII Metropolitan Magistrate Court, Georgetown, Chennai and compromise quash the same.

For Petitioner(s): Mr. J.Prakash

For Respondent(s): Mr.R.Vinothraja
Government Advocate for R1

ORDER

This Criminal Original Petition has been filed to call for the records pertaining to C.C.No.125 of 2024, on the file of the learned VII Metropolitan Magistrate Court, Georgetown, Chennai and quash the same.



2. The allegation against the accused in the Final Report is that during mediation in HMOP No.2241 of 2023, before the Family Court, Chennai, the petitioner allegedly assaulted and abused her husband/de facto complainant.

3. The petitioner and the de facto complainant have filed an affidavit and a Joint Compromise Memo, wherein, it has been stated that the petitioner and the de facto complainant, on the advice of their elders, have amicably settled the issue between themselves and hence, seek to quash C.C.No.125 of 2024, on the file of the learned VII Metropolitan Magistrate Court, Georgetown, Chennai.

4. Mr.M.Sugumar, Sub Inspector of Police, B4 - High Court Police Station, High Court Campus, Chennai, was present before this Court and he informed this Court that the de facto complainant and the petitioner had approached him and informed that since they have amicably settled the dispute between them, they do not want to proceed further with the criminal proceedings.



5. The de facto Complainant was also present before this Court at the time of hearing. This Court enquired the de facto complainant and he had stated that they had amicably settled the dispute between themselves and he is not willing to proceed with the criminal proceedings and seeks to quash the same.

6. The learned Government Advocate (Crl.Side) 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.

7. 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 Gujarat 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.

8. In the present case, the offences in question are purely individual/personal in nature. It involves dispute between the petitioner and the de facto 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.

9. In view of the above, this Court is inclined to quash the Final Report filed in the case in C.C.No.125 of 2024, on the file of the learned VII



Metropolitan Magistrate Court, Georgetown, Chennai, in exercise of its jurisdiction under Section 482 of Cr.P.C.

10. Accordingly, this Criminal Original Petition is allowed and the case in C.C.No.125 of 2024, on the file of the learned VII Metropolitan Magistrate Court, Georgetown, Chennai, is quashed on condition that the petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) as costs to the Tamil Nadu State Legal Services Authority (TNSLSA), High Court Campus, Chennai 600 104, within a period of two (2) week from the date of receipt of a copy of this order. The affidavit and the Joint Compromise Memo filed by the petitioner and the second respondent for compromising the offences shall form part of the records.

10-11-2025

Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No

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A.D.JAGADISH CHANDIRA, J.

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To

1.The VII Metropolitan Magistrate
Court, Georgetown, Chennai.

2.The Inspector of Police
B-4, High Court Police Station,
High Court.

3.The Public Prosecutor,
High Court, Madras.

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