



Crl.OP.No.31173 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2025

CORAM:

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

Crl.OP.No.31173 of 2025

1. S.Nishanth (Juvenile)
2. V.P.Shanmugham
3. S.Kamala ...Petitioners

Vs.

1. State rep. by its,
The Inspector of Police,
W-14 AWPS Thiruvottiyur,
Chennai District.
(Crime No.26 of 2025)
2. B.Mridula ...Respondents

Criminal Original Petition filed under Section 528 of BNSS, 2023 to call for the entire records and quash the FIR pending investigation in Crime No.26 of 2025, on the file of the Inspector of Police, W-14 AWPS Thiruvottiyur, Chennai District.

For Petitioners : Mr.C.Balaji

For Respondents : Mr.R.Vinothraja, GA(Crl. Side), for R1
: Mr.V.Socrates, for R2



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ORDER

This criminal original petition has been filed seeking quashment of the FIR pending investigation in Crime No.26 of 2025, on the file of the 1st respondent, for the offences under Sections 316(2), 318 and 351(2) of BNS, 2023 and Sections 7, 8, 11(5), 12 and 17 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the petitioners would submit that the 1st petitioner and the victim girl are students of the same school; being residents of the same locality, the families of the petitioners and the victim girl were known to each other; there was friendship between the 1st petitioner and the victim girl and there were also financial dealings between them; this is not a case of penetrative sexual assault; the relationship between two teenagers had been misunderstood by the mother of the victim girl as something more than friendship which had resulted in her giving the complaint, based on which, the impugned FIR came to be registered; however, now, the parties have compromised the matter and decided to settle the issue between themselves; further, considering the future of two youngsters, the de facto



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complainant has decided not to proceed further with the criminal case; the petitioners 2 and 3 who are the parents of the first petitioner and the mother of the victim girl have entered into a joint memorandum of compromise; hence, the impugned FIR may be quashed on the ground of compromise.

3. Learned Government Advocate (Crl. Side) appearing on behalf of the 1st respondent police, submitted that though the parties entered into a compromise while this case is pending, this Court, taking into account the seriousness of the offences, has to consider the issue as to whether the offences of this nature can be quashed on the ground of compromise between parties.

4. The petitioners, the de facto complainant and the victim girl, were present before this Court at the time of hearing and they were identified by the learned counsel for the petitioners as well as by the learned counsel for the 2nd respondent and also by Ms.M.Dhanalakshmi, WHC:28927, W14-Thiruvottiur, Chennai-19.



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5. This Court also enquired both the parties and is satisfied that the victim girl and the de facto complainant have no objection in quashing the proceedings against the petitioners.

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 petitioners.

7. In ***Gian Singh Vs. State of Punjab*** [(2012) 10 SCC 303], the Supreme Court held as follows:

"61. The position that emerges from the above discussion can be summarized thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz.: (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or



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offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society."

(Emphasis supplied)

8. In ***Narinder Singh vs. State of Punjab*** [(2014) 6 SCC 466], after considering the ***Gian Singh***'s case referred to above, the Hon'ble Supreme Court has held as follows:

“29.1. Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves.”

(Emphasis supplied)

9. Since the aforesaid decisions apply on all fours to the facts and circumstances obtaining in this case, this Court is inclined to quash the proceedings against the petitioners in Crime No.26 of 2025, on the file of the 1st respondent, by invoking Section 482 of Cr.P.C./528 BNSS.

10. Accordingly, this Criminal Original Petition stands allowed and the FIR filed against the petitioners in Crime No.26 of 2025, on the file of the 1st respondent, is quashed.



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11. The Joint Compromise Memo signed by the parties dated 13.10.2025 and the consent affidavit filed by the 2nd respondent/de-facto complainant, the mother of the victim girl dated 13.10.2025, for compromising the offences shall form part of the records.

14.11.2025

skt

Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

To:

1. The Inspector of Police,
W-14 AWPS Thiruvottiyur,
Chennai District.

2. The Public Prosecutor,
Madras High Court.



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A.D.JAGADISH CHANDIRA, J.

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