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Crl.O.P.30232 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-11-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 30232 OF 2025

1. Chithirai Selvan

S/o. Kuppusamy, No.15, Simman
Avenue, Vinayagapuram, Chennai-
600099.

...Petitioner

Vs

1. The State of Tamil Nadu rep by The
Inspector of Police
M3 Puzhal Police Station, Chennai-
600066. Crime No.1074 of 2021.

2.B. Rajiya

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of B.N.S.S.Act,
praying to call for the records connecting with C.C.No.139 of 2022 against
Crime No.1074 of 2022 pending on the file of District Munsif cum
JudicialMagistrate, Madhavaram, and quash the same.

For Petitioner : Mr.K.Chithiraiselvan

Party-in-person

For respondents : Mr.R.Vinothraja,

Govt.Advocate (Criminal Side) for R1



ORDER

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2. The allegation against the accused in the Final Report is that in a wordy quarrel, the accused is said to have caused panic to the de facto complainant.

3. The petitioner had filed an Affidavit and along with the second respondent, filed a Joint Memo of Compromise, wherein, it has been stated that the petitioner and the second respondent being residing in same apartment, in order to maintain cordial relationship and for peaceful living in future, decided not to proceed any further with the complaints against each other and have amicably settled the issue between themselves and hence, seek to quash the Final Report.



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4. Mr.B.Dhinakaran, Sub Inspector of Police M-3, Puzhal Police Station, Chennai - 600 066, was present before this Court and he informed this Court that the de facto complainant and the petitioner has 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 she had stated that they had amicably settled the dispute between themselves and she 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.

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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 petitioners. 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 CrI 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.139 of 2022, pending on the file of the learned District Munsif cum Judicial Magistrate, Madhavaram, 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.139 of 2022, pending on the file of the learned District Munsif cum Magistrate Court, Madhavaram, is quashed. The affidavit and the Memorandum of Understanding filed by the petitioner and the second respondent for compromising the offences shall form part of the records.

06.11.2025

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6/7

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To

1.The State of Tamil nadu rep by The
Inspector of Police
M3 Puzhal Police Station, Chennai-
600066 Crime No.1073 of 2021.

2.The Public Prosecutor, Madras High Court, Chennai-600 104.

3.The Secretary, TNSLSA, High Court Campus, Chennai-600 104.



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A.D.JAGADISH CHANDIRA J.

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