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CrI.O.P.No.30832 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2025

CORAM:

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

CrI.O.P.No.30832 of 2025

1. Selvam
2. Muthulakshmi
3. Vasuki

...Petitioners

Vs.

1. State rep. by the Inspector of Police,
V.Kalathur Police Station,
Perambalur District.
(Crime No.04 of 2019)
2. Poonkodi,
The District Social Welfare Officer,
Perambalur District.
3. XXX.
D/o.XXX,
Perambalur District.

...Respondents

Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to call for the entire records in connection with the impugned F.I.R. in Crime No.4 of 2019 on the file of the 1st Respondent Police and quash the same on the ground of compromise.

For Petitioners : Mr.M.Vijaya Ragavan

For Respondents : Mr.K.M.D.Muhilan, APP, for R1



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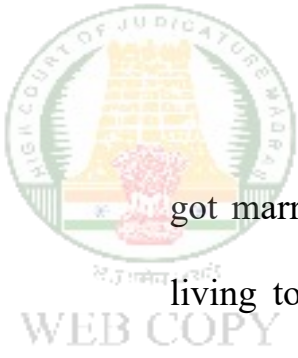
ORDER

The present criminal original petition has been filed seeking to quash the First Information Report in Crime No.4 of 2019, pending against the petitioners, on the file of the first respondent Police, on the basis of the compromise arrived at between the parties.

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, who is the District Social Welfare Officer, a case in Crime No.4 of 2019 was registered on the file of the first respondent Police as against the petitioners for the offences under Sections 9, 10 and 11 of the Prohibition of Child Marriage Act, 2006.

4. Learned counsel appearing for the petitioners submitted that there took place only an engagement ceremony. However, the 2nd respondent mistook the same and made a complaint before the 1st respondent police, based on which, the present FIR came to be registered against the petitioners for the offences under Sections 9, 10 and 11, *ibid*. He further submitted that subsequently, the 1st petitioner and the 3rd respondent/victim



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got married and due to wedlock, they have got two children and they are living together as husband and wife and that the victim/3rd respondent is aged about 23 years now. He further submitted that the marriage of the 1st petitioner and the victim/3rd respondent was also registered before the Sub-Registrar's Office, Valikandapuram on 14.11.2025. He would further submit that the parties have entered into a compromise and a Joint Compromise Memo to that effect has also been filed. The victim girl/3rd respondent has also filed a consent affidavit for compromising the matter. Therefore, when the petitioners and the victim girl/3rd respondent have compromised the matter, no useful purpose will be served by continuing the complaint/FIR made as against the petitioners; hence, the impugned FIR may be quashed on the ground of compromise.

5. The petitioners and the victim girl/3rd respondent appeared before this Court and they were identified by the learned counsel for the petitioners as well as by Mr.K.Marudhamuthu, SI, V.Kalathur Police Station, Perambalur District.

6. On being enquired by this Court, the victim/3rd respondent stated that she is not willing to pursue the criminal proceedings and therefore, seeks to quash the same.



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7. Learned Additional Public Prosecutor appearing on behalf of the first respondent submitted that though the parties have 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.

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 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.



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9. In the present case, the offences in question are purely individual/personal in nature. It involves dispute between the petitioners and the victim girl/3rd 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. In view of the above, this Court is inclined to quash the First Information Report in Crime No.4 of 2019 pending on the file of the first respondent police, in exercise of its jurisdiction under Section 482 Cr.P.C./Section 528 BNSS.

10. Accordingly, this criminal original petition stands disposed of and the First Information Report in Crime No.4 of 2019 pending on the file of the first respondent police as against the petitioners is quashed.

11. The affidavits and the Joint Memo of Compromise filed by the petitioners and the 3rd respondent/victim for compromising the offences shall form part of the records.

19.11.2025

skt

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

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A.D.JAGADISH CHANDIRA, J.

skt

To:

1. The Inspector of Police,
V.Kalathur Police Station,
Perambalur District.
2. The District Social Welfare Officer,
Perambalur District.
3. The Public Prosecutor,
High Court of Madras.

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