



Crl.O.P.No.30982 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 13.11.2025

CORAM:

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

Crl.O.P.No. 30982 of 2025

Elumalai

... Petitioner

Vs.

1.The State Rep by its
The Sub-Inspector of Police,
Kilkodungalore Police Station,
Tiruvannamalai District.

2.E.Kavitha

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, to call for the records relating to Crime No.173 of 2025 against the petitioner, on the file of the Sub Inspector of Police, Kilkodungalore Police Station, Tiruvannamalai District and quash the same based on the compromise arrived between



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the parties.

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For Petitioner : Mr. S.Elangovan
For Respondent 1 : Mr. R.Vinothraja
Government Advocate
(Criminal Side)

ORDER

This criminal original petition has been filed to call for the records relating to Crime No.173 of 2025 against the petitioner, on the file of the Sub Inspector of Police, Kilkodungalore Police Station, Tiruvannamalai District and quash the same based on the compromise arrived at between the parties.

2. The FIR has been registered based on the complaint lodged by the petitioner's wife with regard to matrimonial disputes.



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3. The petitioner has filed an affidavit and he, along with the second respondent, have filed a Joint Compromise Memo, wherein, it has been stated that the petitioner and the second respondent, have amicably settled the issue between themselves and hence, seek to quash FIR in Crime No.173 of 2025, on the file of the first respondent.

4. Mr. E.Jagaveerapandian, HC-2078, Kilakodungalore Police Station, Tiruvannamalai District, 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.



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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.

7. The main issue that requires the consideration of this Court is as to whether this Court can quash the criminal proceedings involving



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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, 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



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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 FIR in Crime No.173 of 2025 on the file of the first respondent, in exercise of its jurisdiction under Section 482 of Cr.P.C.

10. Accordingly, this criminal original petition is disposed of and the FIR in Crime No.173 of 2025 on the file of the first respondent, is quashed. 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.

13.11.2025

Neutral Citation:Yes/No

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To

1.The Sub-Inspector of Police,
Kilkodungalore Police Station,
Tiruvannamalai District.

2.The Public Prosecutor,
Madras High Court,
Chennai.



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A.D.JAGADISH CHANDIRA, J.

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