



CrI.O.P.No.31551 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2025

CORAM:

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

CrI.O.P.No.31551 of 2025

1. Vadivel
2. Devaraj
3. Rajeswari
4. Samundeeswari ... Petitioners

Vs.

1. State by,
The Inspector of Police,
W-13, All Women Police Station,
Washermenpet, Chennai – 600 021.
(Crime No.21 of 2024)
2. Divya ... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to call for the records pertaining to C.C.No.1251 of 2025, pending on the file of the XV Metropolitan Magistrate, George Town, Chennai and to quash the same.

For Petitioners : Mr.J.B.Solomon Peter Kamal Doss
For R1 : Mr.S.Santhosh
Government Advocate (Criminal Side)
For R2 : Mr.M.Madhan Kumar



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ORDER

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The present Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.1251 of 2025, on the file of the XV Metropolitan Magistrate, George Town, Chennai, on the basis of the compromise arrived at between the petitioners and the *de facto* complainant/second respondent.

2. Heard both sides and perused the materials available on record.

3. Based on the complaint given by the *de facto* complainant/R2, a case in Crime No.21 of 2024 was registered on the file of the first respondent Police against the petitioners, for the offences under Sections 85, 79, 74, 296(b) and 351(3) of the BNS, 2023 and Section 4 of the TN Prohibition of Harassment of Women Act, 2002. After completion of investigation, a charge sheet was filed and taken cognizance of as aforesaid.

4. Learned counsel appearing for the petitioners as well as for the *de facto* complainant submitted that the matter arises out of a matrimonial dispute and that on the advice of elders, the parties have now amicably settled the issue among themselves. Hence, they seek to quash the

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proceedings pending against the petitioners. Affidavits and a Joint Compromise Memo to that effect have also been filed.

5. The petitioners and the *de facto* complainant/R2 appeared before this Court and were identified by their respective counsel as well as by Ms.D.Jini, WGr-I 52935, W-13, All Women Police Station, Washermenpet.

6. On being enquired by this Court, the *de facto* complainant stated that she has amicably settled the dispute with the petitioners and she is not willing to pursue the criminal proceedings and therefore, seeks to quash the same.

7. Learned Government Advocate (Criminal 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.

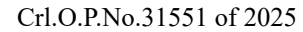
8. The main issue that requires the consideration of this Court is as to whether this Court can quash the criminal proceedings involving non-



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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.

9. In the present case, the offences in question are purely individual/personal in nature. It involves dispute between the petitioners and the second 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 proceedings pending against the petitioners in C.C.No.1251 of 2025 on the file of the XV Metropolitan Magistrate, George Town, Chennai, in exercise of its jurisdiction under Section 482 Cr.P.C./Section 528 BNSS.



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

01.12.2025

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Neutral Citation: Yes/No

To

1. The XV Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
W-13, All Women Police Station,
Washermenpet, Chennai – 600 021.
3. The Public Prosecutor, High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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