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CRL OP No. 31251 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-11-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 31251 of 2025

Ethiraji@ Ethiraj

Petitioner

Vs

1. State of Tamil Nadu rep by
The Inspector of Police
Somangalam Police Station,
Kancheepuram District
(Cr.No.360/2017)

2.Veerapathiran

3.Saroja

Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS to call for the entire records in connection with PRC.No.117 of 2025 on the file of the learned Judicial Magistrate, Sriperumbudur Kancheepuram District and quash the same on the ground of compromise.

For Petitioner:

Mr.M.Vijayaragavan



For R1:

Mr.R.Vinothraja
Government Advocate (Crl.side)

ORDER

The Criminal Original Petition has been filed to call for the entire records in connection with P.R.C.No.117 of 2025 on the file of the learned Judicial Magistrate, Sriperumbudur, Kancheepuram District and quash the same on the ground of compromise.

2. The learned counsel for the petitioner submitted that the parties have compromised the matter and that the de facto complainant has no objection in quashing the criminal proceedings against the petitioner. He further submitted that a Joint Memorandum of Compromise dated 05.11.2025 has also been filed to that effect.

3. The petitioner and the de facto complainant/2nd respondent and victim/ 3rd respondent were present before this Court at the time of hearing and they were identified by their respective counsel.

4. This Court also enquired both the parties and is satisfied that the parties have come to an amicable settlement between themselves.

5. The learned Government Advocate (Crl. Side) appearing on behalf of



the 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 offence, has to consider the issue as to whether an offence of this nature can be quashed on the ground of compromise between parties.

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 petitioner. The Hon'ble Supreme Court, in the case of *Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrat*, 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./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.

7. 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.

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8. In view of the above, this Court is inclined to quash the proceedings against the petitioner in P.R.C.No.117 of 2025 on the file of the Judicial Magistrate, Sriperumbudur, Kancheepuram District, in exercise of its jurisdiction under Section 482 of Cr.P.C./528 BNSS.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings against the petitioner in P.R.C.No.117 of 2025 on the file of the Judicial Magistrate, Sriperumbudur, Kancheepuram District, is quashed subject to condition that the petitioner shall pay costs of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Tamil Nadu State Legal Services Authority, (TNSLSA), High Court Campus, Chennai 600 104, within a period of (1) week from the date of receipt of a copy of this order. The affidavit and the Joint Memo of Compromise filed by the petitioner, the second and third respondent shall form part of the records.

17-11-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



WEB COPY

CRL OP No. 31251 of 2





To

1. Inspector of Police
Somangalam Police Station,
Kancheepuram District

2. The Public Prosecutor
High Court of Madras

3. The Member Secretary
The Tamil Nadu State Legal Services Authority (TNSLSA),
High Court Campus, Chennai 600 104.



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A.D.JAGADISH CHANDIRA J.

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