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CrI.O.P.No.31579 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.31579 of 2025

1. S.Madhan
S/o Shanmugaraja

2. Vijaya,
W/o Shanmugaraja

... Petitioners

Vs.

State represented by

1. The Sub Inspector of Police,
W-7, All Women Police Station,
Annanagar,
Chennai District
(Cr.No.21 of 2023)

2. Jeevitha,
D/o Ramakrishnan ..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 and quash the proceedings in C.C.No.10 of 2025 pending on the file of the Additional Mahila Metropolitan Magistrate Court at Egmore, Chennai.

For Petitioners : Mr.G.Ashokkumar

For Respondents : Mr.R.Vinothraja
Government Advocate (CrI.Side)
for R1
Mr.W.Camyles Gandhi for R2



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ORDER

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This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.10 of 2025 pending on the file of the Additional Mahila Metropolitan Magistrate Court at Egmore, Chennai.

2. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the first respondent.

3. Based on the complaint given by the de facto complainant/R2, a case in Crime No.21 of 2023 was registered for the offences under Sections 498(A), 420, 506(1) of IPC and subsequently, the sections were altered as Sections 498(A) and 506(ii) IPC r/w 34 of IPC. and a charge sheet was filed in C.C.No.10/2025.

4.Learned counsel for the petitioners would submit that the 2nd petitioner is the mother of the 1st petitioner and due to her illness she is unable to appear before this Court. However, she has signed in the Joint Memo of compromise.

5. Mr.W.Camyles Gandhi, learned counsel appearing for the 2nd



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respondent/de facto complainant would submit that the matter arises out of

matrimonial dispute and the parties have compromised the matter and the

2nd respondent/ de facto complainant have no objection in the matter being

quashed, based on compromise. They have also filed an affidavit and a Joint

Memo of Compromise to that effect.

6.The 1st petitioner and the de-facto complainant/R2 appeared before this Court and were identified by their respective counsel as well as by the Police, Ms.P.Lakshmi, W.SSI, W7, All Women Police Station, Anna Nagar, Chennai.

7. 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 as against the petitioners and therefore, seeks to quash the same.

8. The learned Additional Public Prosecutor 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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9. 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 first petitioner. 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 CrL 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.

10. 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



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is inclined to quash the proceedings in C.C.No.10 of 2025 on the file of the

Additional Mahila Metropolitan Magistrate Court at Egmore, Chennai, in exercise of its jurisdiction under Section 482 of Cr.P.C.

11. Accordingly, the Criminal Original Petition is allowed. The C.C.No.10 of 2025 on the file of Additional Mahila Metropolitan Magistrate Court at Egmore, Chennai, is quashed as against the petitioners and this Criminal Original Petition is allowed on condition that the petitioners shall jointly pay a sum of Rs.10,000/- (Rupee Ten Thousand only) as costs to the Tamil Nadu State Legal Services Authority (TNSLSA), High Court Campus, Chennai 600 104, within a period of two (2) weeks from the date of receipt of a copy of this order. The affidavits and the Joint Memo of Compromise filed by the petitioners and the second respondent for compromising the offences shall form part of this order.

19.11.2025

vsi

Neutral Citation:Yes/No



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A.D.JAGADISH CHANDIRA, J.

vsi

To

1. The Sub Inspector of Police,
W-7, All Women Police Station,
Annanagar,
Chennai District
- 2.The Additional Mahila Metropolitan Magistrate Court,
at Egmore, Chennai .
- 3.The Public Prosecutor,
High Court of Madras.

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