



Crl.OP.No.32226 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2025

CORAM:

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

Crl.OP.No.32226 of 2025

Pavithran

...Petitioner

Vs.

1. State : Inspector of Police,
W-17, All Women Police Station,
Peravallur,
Chennai.

2. V.Nathiya

...Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C./528 of BNSS, 2023 to call for the records pertaining to the charge sheet in S.C.No.32 of 2024 on the file of learned Sessions Judge, Magalir Neethimandram (Mahila Court), Allikulam, Chennai and quash the same on the ground of compromise.

For Petitioner : Mr.M.P.Saravanan

For Respondents : Mr.K.M.D.Muhilan

Additional Public Prosecutor for R1

Mr.C.H.Srikanth for R2



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ORDER

This criminal original petition has been filed seeking to set aside the charge sheet in S.C.No.32 of 2024 on the file of learned Sessions Judge, Magalir Neethimandram (Mahila Court), Allikulam, Chennai filed for the offences under Sections 417, 376(2)(h), 376(2)(n) and 506(ii) of IPC, 1860 on the ground of compromise.

2. The victim and the accused are colleagues. Due to a wordy quarrel, the de facto complainant has given a complaint against the accused.

3. The learned counsel for the petitioner submits that the petitioner and the de facto complainant are colleagues and there was a consensual affair between them. Due to a misunderstanding, the de facto complainant has given a compliant against the accused. Now, the parties have compromised the matter and they have also filed a joint memo of

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compromise dated 12.11.2025 before this Court.

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4. The learned counsel for the second respondent / de facto complainant has also not chosen to controvert the submissions advanced on behalf of the petitioner.

5. The petitioner has filed an affidavit and he, along with the second respondent, has filed a Memorandum of Understanding, wherein, it has been stated that the petitioner and the second respondent, have amicably settled the issue between themselves and hence, seek to quash the Final Report.

6. Ms.S.Saila, WPC-54928, W-17, All Women Police Station, Sembiyam, was present before this Court and she informed this Court that the de facto complainant and the petitioner had approached her and informed her that since they have amicably settled the dispute between them, they do



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not want to proceed further with the criminal proceedings.

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7. The de facto complainant was also present before this Court at the time of hearing. This Court enquired the de facto complainant and she stated that they had amicably settled the dispute between themselves and she is not willing to proceed with the criminal proceedings and hence seeks to quash the same.

8. The learned Additional Public Prosecutor appearing on behalf of the first 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 offences, has to consider the issue as to whether the offences of this nature can be quashed on the ground of compromise between the 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 petitioner. 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 it gets settled between the parties, cannot be quashed by this Court.



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10. 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.

11. In view of the above, this Court is inclined to quash the Final Report filed in the case in S.C. No.32 of 2024, pending on the file of the learned Sessions Judge, Magalir Neethimandram, Allikulam, Chennai, in exercise of its jurisdiction under Section 482 of Cr.P.C.

12. Accordingly, this Criminal Original Petition is allowed and the case in S.C. No.32 of 2024, pending on the file of the learned Sessions Judge, Magalir Neethimandram, Allikulam, Chennai, is quashed. The



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affidavit and the Memorandum of Understanding filed by the petitioner and

the second respondent for compromising the offences shall form part of the

records.

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NCC : Yes/No

To:

1. The Inspector of Police,
W-17, All Women Police Station,
Peravallur,
Chennai.
2. The Public Prosecutor,
Madras High Court.
3. The Sessions Judge, Magalir Neethimandram (Mahila Court), Allikulam,
Chennai



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A.D.JAGADISH CHANDIRA, J.

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