



Crl.O.P.No.33087 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2025

CORAM:

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.33087 of 2025

Mohammed Rafeek

... Petitioner

Vs.

1. The State rep. by
Inspector of Police
W5-Women's Police Station
Selaiyur Police Station
Chennai

2. XXXX

... Respondents

PRAYER: Criminal Original Petitions filed under Section 528 of B.N.S.S. to call for the records pertaining to the F.I.R. in Crime No.9 of 2025 pending on the file of the 1st respondent police and compromise quash the same.

For Petitioner : Mr.B.Vasanth

For 1st Respondent : Mr.S.Santhosh
Government Advocate (Crl. Side)

For 2nd Respondent : Mr.S.Sunil Kumar

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.9 of 2025, registered against the petitioner for the offences under Sections 417, 420, 312 and 506(I) of IPC, pending on the file of the first respondent police, on the ground of compromise.



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2. The learned counsel for the petitioner would submit that there was a consensual relationship between the petitioner and the de facto complainant and later, due to misunderstanding, the de facto complainant has given a complaint against the petitioner. He would further submit that now, the parties have amicably settled the matter and decided not to pursue the matter any further and a Joint Memo of Compromise dated 13.11.2025 has also been filed to that effect.

3. The petitioner and the de facto complainant/second respondent were present before this Court at the time of hearing and they were identified by their respective counsel and by Ms.C.Lakshmi, S.I., W-5, A.W.P.S., Selaiyur.

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

5. The learned Government Advocate (Crl. Side) appearing on behalf of the first respondent police submitted that though the parties entered into a compromise while the investigation 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-



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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./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 cases, 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.

8. In view of the above, this Court is inclined to quash the First Information Report registered against the petitioner in exercise of its jurisdiction under Section 482 of Cr.P.C./528 BNSS.

9. Accordingly, this Criminal Original Petition is allowed and the First Information Report registered against the petitioner in Crime No.9 of



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2025, on the file of the first respondent police, 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, on or before 23.12.2025.

10. The Joint Memo of Compromise dated 13.11.2025 signed by the parties, for compromising the offences, shall form part of the records.

11. Post the matter on 23.12.2025 “for reporting compliance.”

05.12.2025

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Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No

Note: Issue order copy on 09.12.2025.



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- 1.The Inspector of Police
W5-Women's Police Station
Selaiyur Police Station
Chennai
- 2.The Public Prosecutor
High Court of Madras, Chennai



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A.D.JAGADISH CHANDIRA J.

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