



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-12-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 33390 of 2025

1. Chaarles
S/o Divyanathan, No.3, Anbu Nagar,
4th Street, Vadavalli Road,
Edayarpalayam, Coimbatore-641 025

Petitioner(s)

Vs

1. Inspector of Police,
M4 Thudialur Police Station,
Coimbatore.

2. Ramarathinam
39/1 Kongamammal Nagar, Sivaji
Colony, Edaiyarpalayam,
Coimbatore-641 025

Respondent(s)

PRAYER

Criminal Original Petition filed under Section 528 of BNSS praying to call for the records in FIR No.391 of 2019 on the file of the 1st respondent and quash the same.

For Petitioner: Mr.M.V.V.N.Sivanthi

For Respondent No.1 Mr.K.M.D.Muhilan
Additional Public Prosecutor

For Respondent No.2 :Mr.G.Simuram



ORDER

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The present Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.391 of 2019, pending against the petitioner, on the file of the first respondent Police, on the basis of the compromise arrived at between the petitioner and the *de facto* complainant's daughter.

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. 391 of 2019 was registered on the file of the first respondent Police against the petitioner, for the offences under Sections 294(b), 506(II) and 427 of IPC.

4. Learned counsel appearing for the parties submitted that the petitioner and the *de facto* complainant's daughter resolved all disputes amicably and decided to separate and accordingly, a Joint Settlement Agreement dated 15.07.2022 was executed between them recording the terms of settlement. Hence, they seek to quash the First Information Report as against the petitioner. Affidavit filed by the 2nd respondent/*de facto* complainant and Joint Memo of



Compromise to that effect have also been filed.

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5. The petitioner and the father of the *de facto* complainant appeared before this Court and he identified his daughter who appeared through video conferencing. Further, they were identified by their respective counsel as well as by Mr.P.Jeevaraj, Head Constable M4 Thudialur Police Station, Coimbatore.

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

7. Learned Additional Public Prosecutor appearing on behalf of the first respondent submitted that though the parties have 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 offences 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-



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. (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 cases, the offences in question are purely individual/personal in nature. It involves dispute between the petitioner and the second respondent and his daughter 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 First Information Report in Crime No.391 of 2019 pending on the file of the first respondent police, in exercise of its jurisdiction under Section 482 Cr.P.C./Section 528 BNSS.



10. Accordingly, the Criminal Original Petition stands disposed of and the First Information Report in Crime No.391 of 2019 pending on the file of the first respondent police is quashed as against the petitioner, on condition that the petitioner shall pay a sum of Rs.10,000/- (Rupees 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.

11. The affidavit filed by the 2nd respondent and the Joint Memo of Compromise filed by the petitioner and the second respondent for compromising the offences shall form part of the records.

11-12-2025

nvsri

Index:Yes/No

Neutral Citation:Yes/No

To

1. The Inspector of police, M4
Thudialur Police Station, Coimbatore.

2.The Public Prosecutor
High Court of Madras.



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A.D.JAGADISH CHANDIRA J.

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