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CRL OP No. 1377 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-01-2026

CORAM

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

CRL OP No. 1377 of 2026

1. Sundaramoorthy.
2. Selvarani
3. M.Alagesan

..Petitioner(s)

Vs

1. The State Rep. by
The Inspector of Police,
W-18, All Women Police Station,
MKB Nagar, Chennai - 600 039.
(Cr.No.06/2016)

2. S.Nirmala Devi

..Respondent(s)

Prayer: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records pertaining to C.C.No.239 of 2017, pending on the file of Additional Mahila Court, Egmore and to quash the same in view of the compromise reached between the petitioners 1 to 3/accused 1 to 3 and the 2nd respondent/*de facto* complainant.

For Petitioners :	Mr.R.Vivekananthan
For Respondents :	Mr.S.Santhosh, Government Advocate (Criminal Side) for R-1 Mr.S.Michael for R-2



ORDER

The present Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.239 of 2017, pending against the petitioners, on the file of Additional Mahila Court, Egmore, on the basis of the compromise arrived at between the petitioners and the *de facto* complainant/second respondent.

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. 6 of 2016 was registered on the file of the first respondent Police against the petitioners, for the offences under under Sections 498-A, 406, 494 and 506(ii) of IPC which culminated in the filing of the final report in C.C.No.239 of 2017 before the learned Additional Mahila Judge, Egmore, Chennai.

4. Learned counsel appearing for the petitioners as well as for the *de facto* complainant submitted that on the advice of elders, the parties have now amicably settled the issue among themselves. Hence, they seek to quash the charge sheet as against the petitioners. Affidavits and Joint Memo of Compromise to that effect have also been filed.

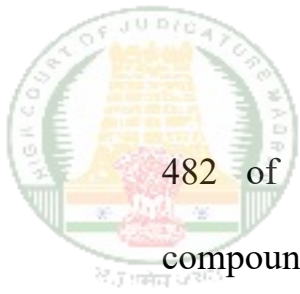


5. The petitioners and the *de facto* complainant/R2 appeared before this Court and they were identified by their respective counsel as well as by Ms.S.Shobha, WHC, W-18, All Women Police Station, M.K.B. Nagar, Chennai.

6. 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 and therefore, seeks to quash the same.

7. Learned Government Advocate (Criminal Side) 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 an offence 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 petitioners. 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 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 is inclined to quash the proceedings in C.C.No.239 of 2017 pending on the file of the Additional Mahila Court, Egmore, Chennai, in exercise of its jurisdiction under Section 482 Cr.P.C./Section 528 of the BNSS.

10. Accordingly, this Criminal Original Petition stands disposed of and the charge sheet in C.C.No.239 of 2017 pending on the file of the learned Additional Mahila Judge, Egmore, Chennai, is quashed as against the petitioners, on condition that the petitioners jointly 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.

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11. The affidavits and the Joint Memo of Compromise filed by the petitioners and the second respondent for compromising the offences shall form part of the records.

23-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SRM

To

1. The Inspector of Police,
W-18, All Women Police Station,
MKB Nagar, Chennai - 600 039.
2. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

SRM

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