



WEB COPY

CRL OP No. 2185 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-02-2026

CORAM

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

CRL OP No. 2185 of 2026

1. John Peter
2. Vincent Xavier
3. V.Mary Kalpana

..Petitioner(s)

Vs

1. The State of Tamil Nadu Rep. by
The Inspector of Police,
T-14, Pallikaranai Police Station,
Chennai.

2. Gayathiri

..Respondent(s)

Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, to call for the entire records relating to Crime No.1189 of 2022 on the file of the first respondent Police and quash the same.

For Petitioner(s): Mr.P.Arumugavel

For Respondent(s): Mr.S.Santhosh,
Government Advocate (Crl.Side) for R1
Mr.G.Sathish for R2



ORDER

This Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.1189 of 2022, pending against the petitioners, on the file of the first respondent Police, 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, the aforesaid case in Crime No.1189 of 2022 was registered on the file of the first respondent Police against the petitioner, for the offences under Sections 498A, 354, 494 and 506(I) of IPC.

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 First Information Report as against the petitioners. Affidavit of the defacto complainant 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.



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. 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.

8. 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 First Information Report in Crime No.1189 of 2022 pending on the file of the first respondent police, in exercise of its jurisdiction under Section 482 Cr.P.C./Section 528 BNSS.

9. Accordingly, this Criminal Original Petition stands disposed of and the First Information Report in Crime No.1189 of 2022 pending on the file of the first respondent police is quashed as against the petitioners, on condition that the petitioners pay a sum of Rs.5,000/- (Rupees Five Thousand only) each 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.

10. The affidavit of the defacto complainant and the Joint Memo of Compromise filed by the petitioners and the second respondent for compromising the offences shall form part of the records.

03-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

VKR



To

1. The Inspector of Police,
T-14, Pallikaranai Police Station,
Chennai.
2. The Member Secretary,
The Tamil Nadu State Legal Services Authority (TNSLSA),
High Court Campus, Chennai.
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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