



WEB COPY

CRL OP No. 3420 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-02-2026

CORAM

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

CRL OP No. 3420 of 2026

Agustin Joshwa

..Petitioner(s)

Vs

1. State rep. by Inspector of Police,
G-1, Vepery Police Station,
Chennai.

2. Bhavani

..Respondent(s)

Criminal Original Petition is filed under Section 528 B.N.S.S., to call for the records relating to the FIR in Crime No.598 of 2025, on the file of the first respondent and to quash the same.

For Petitioner(s):

Mr.R. Mukesh

For Respondent(s):

Mr.S.Santhosh

Government Advocate (Crl.Side) for R1

Mr.B.Jagan for R2



ORDER

This Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.598 of 2025, pending on the file of the first respondent, on the basis of the compromise arrived at between the petitioner 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.598 of 2025 was registered on the file of the first respondent Police against the petitioner, for the offences under Sections 126(2), 127(2), 296(b), 115(2), 118(1) and 351(3) of BNS r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act.

4. Learned counsel appearing for the petitioner as well as for the *de facto* complainant submitted that the matter arises out of a matrimonial dispute and that on the advice of elders, the parties have now amicably settled the issue among themselves. Hence, they seek to quash the proceedings pending against the petitioner. Affidavits and a Joint Compromise Memo to that effect have also been filed.



5. The petitioner and the *de facto* complainant/R2 appeared before this Court and were identified by their respective counsel as well as by Mr.Krishnamurthy, SI, G1, Vepery Police Station, Chennai.

6. On being enquired by this Court, the *de facto* complainant stated that she has amicably settled the dispute with the petitioner 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 offences, 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 case, the offences in question are purely individual/personal in nature. It involves dispute between the petitioner 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 pending against the petitioner in Crime No.598 of 2025, on the file of the first respondent, in exercise of its jurisdiction under Section 482 Cr.P.C./Section 528 BNSS.

10. Accordingly, this Criminal Original Petition stands allowed and the first information report in Crime No.598 of 2025 pending on the file of the first respondent, is quashed as against the petitioner.



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

12-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

VKR

To

1.The Inspector of Police,
G-1, Vepery Police Station,
Chennai.

2.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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