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CrI.O.P.No.4555 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2026

CORAM:

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

CrI.O.P.No.4555 of 2026
and CrI.M.P.No.3233 of 2026

Samundi

... Petitioner

Vs.

1. State represented by,
The Sub-Inspector of Police,
Tholasampatty Police Station,
Salem District.

(Crime No.295 of 2025)

2. Priyanga

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to call for the records and quash the First Information Report in Crime No.295 of 2025, on the file of the first respondent Police as against the petitioner.

For Petitioner : Mr.N.U.Pressanna

For R1 : Mr.S.Santhosh
Government Advocate (Criminal Side)
Assisted by Mr.M.S.Rajkumar

For R2 : Mr.R.Saravanan



ORDER

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The present Criminal Original Petition has been filed seeking to quash the proceedings in Crime No.295 of 2025, on the file of the first respondent police, pending against the petitioner, 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.295 of 2025 was registered on the file of the first respondent Police against the petitioner/accused, for the offences under Sections 296(b), 115(2), 118(1) and 351(3) of the BNS, which is now sought to be quashed.

4. Learned counsel appearing for the petitioner as well as for the second respondent/*de facto* complainant submitted that the petitioner and the *de facto* complainant are husband and wife and that the case arises out of the matrimonial dispute. He also submitted that on the advice of elders, the parties have now amicably settled the issue among themselves and that a



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Joint Memo of Compromise to that effect has also been filed. They also submitted that the petitioner has also assured that he will not indulge in any matrimonial cruelty and that he will not consume liquor anymore. Hence, they seek to quash the First Information Report as against the petitioner.

5. The petitioner 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 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.



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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 offence 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 offence. 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 in Crime No.295 of 2025,

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registered by the first respondent police, in exercise of its jurisdiction under

Section 482 Cr.P.C./Section 528 BNSS.

10. Accordingly, this Criminal Original Petition stands allowed and the case in Crime No.295 of 2025, pending on the file of the first respondent police, is quashed as against the petitioner. Consequently, the connected miscellaneous petition is closed.

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

24.02.2026

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Neutral Citation: Yes/No

To

1. The Sub-Inspector of Police,
Tholasampatty Police Station,
Salem District.
2. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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