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CrI.O.P.No.9006 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2026

CORAM:

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

CrI.O.P.No.9006 of 2025
and CrI.MP.No.5971 of 2025

1. N.Kamuvel Kumar
2. Merlin Janet
3. Raji
4. Prabhu @ Prabhudharan
5. Viji

... Petitioners

Vs.

- 1.The State represented by
The Inspector Police,
T-10, Thirumullaivoyal Police Station,
Chennai-600 062.
(Crime No.884 of 2021)

- 2.S.Senthamilan

... 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 in C.C.No.7 of 2025 in connection with the Crime No.884 of 2021 on the file of the Judicial Magistrate, Ambattur and quash the Charge sheet.

For Petitioners : Mr.M.Duraimurugan
For R1 : Mr.K.M.D.Muhilan
Additional Public Prosecutor
For R2 : Mr.S.Chandrasekar



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ORDER

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2. Learned counsel appearing for the petitioners would submit that, it is a case of case and counter; the first petitioner is father-in-law of the *de facto* complainant; the second petitioner is the wife of the *de facto* complainant and due to a matrimonial dispute, complaint has been given against the petitioners. He would submit that based on the complaint given by the second petitioner, a case in Crime No.883 of 2021, has been registered against the *de facto* complainant. As a counterblast, based on the complaint given by the *de facto* complainant/R2, a case in Crime No.884 of 2021, was registered for the offences under Sections 294(b), 323, 506(i), 147, 447 and 34 of Indian Penal Code. Now, due to intervention of elders and well-wishers, the parties have compromised the matter and divorce has also been granted to the second petitioner and the *de facto* complainant by mutual consent. He would further submit that the parties did not want to proceed further with the matter and he would seek that the matter may be quashed on the basis of the compromise between the parties.



3. Heard the learned counsel appearing for the petitioners, the learned Additional Public Prosecutor appearing for the first respondent and the learned counsel appearing for the second respondent.

4. The petitioners have stated that they have settled the dispute with the *de facto* complainant amicably and hence, seek to quash the impugned proceedings. They have also filed an affidavit and a Joint Memo of Compromise to that effect.

5. The petitioners and the *de facto* complainant/R2 appeared before this Court and were identified by their respective counsel as well as by Mr.M.Perumal, Sub-Inspector of Police, T-10, Thirumullaivoyal Police Station.

6. On being enquired by this Court, the *de facto* complainant stated that he has amicably settled the dispute with the petitioners and he is not willing to pursue the criminal proceedings and therefore, seeks to quash the same, and the second petitioner also submits that she will not pursue the case in Crime No.883 of 2021, which is also pending before the same respondent police, and she also has no objection to the counter case being closed therein.

7. The learned Additional Public Prosecutor appearing on behalf of the first respondent submitted that though the parties have entered into a

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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 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, 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

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continuing with the criminal proceedings.

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10. In view of the above, this Court is inclined to quash C.C.No.7 of 2025 in connection with Crime No.884 of 2021 on the file of the Judicial Magistrate, Ambattur, in exercise of its jurisdiction under Section 482 of Cr.P.C.

11. Accordingly, C.C.No.7 of 2025 in connection with the Crime No.884 of 2021 on the file of the Judicial Magistrate, Ambattur is quashed as against the petitioners and this Criminal Original Petition is allowed on condition that the petitioners shall jointly pay a sum of Rs.5,000/- (Rupees Five Thousand only) as costs to the Tamil Nadu State Legal Services Authority (TNSLSA), High Court Campus, Chennai 600 104, within a period of one (1) week from the date of receipt of a copy of this order. The affidavit and the Joint Memo of Compromise filed by the petitioners and the second respondent dated 27.01.2026 for compromising the offences shall form part of this order. Consequently, connected Crl.MP.No.5971 of 2025 is closed.

04.02.2026

dsm

Neutral Citation: Yes/No



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A.D.JAGADISH CHANDIRA, J.

dsn

To

1. The learned Judicial Magistrate,
Ambattur.
2. The Inspector Police,
T-10, Thirumullaivoyal Police Station,
Chennai-600 062.
3. The Public Prosecutor,
High Court of Madras.

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and Crl.MP.No.5971 of 2025***

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