



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 8141 of 2026

E.Rishikumar
S/o.Elangovan,
No. 38/20, Ramanujam Street,
Kosepet, Chennai - 600 012.

..Petitioner(s)

Vs

1. State Represented By The Inspector of Police
All Women Police Station,
W-28 Kotturpuram, Chennai -600 018.

2. Indhumathi
D/o.Srinivasan,
E-31, Raja Muthaiyapuram,
Mandaveli, Chennai 600 028.

..Respondent(s)

PRAYER: This criminal original petition filed under Section 528 of BNSS to call for the records pertaining to the First Information Report in Crime No. 22/2025 pending investigation on the file of the Inspector of Police, All Women Police Station, W-28 Kotturpuram, Chennai - 600 018 and quash the same and thus render justice.

For Petitioner(s): Mr.T.S.N.Prabhakaran

For Respondent(s): Mr.LEONARD ARUL JOSEPH SELVAM
ADDITIONAL PUBLIC PROSECUTOR for R1



ORDER

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The petitioner/accused in crime No.22 of 2025 for offences under Sections 69 of BNS 2023 filed this quash petition.

2.The case against the petitioner is that the petitioner and the defacto complainant aged about 26 years are relatives and were in a love affair. Thereafter, the petitioner promised the defacto complainant/victim that he will marry her and committed penetrative sexual assault. It is also alleged that the petitioner borrowed a sum of Rs.2,00,000/- from the defacto complainant. Thereafter, the petitioner refused to marry her. Hence, the complaint.

3.The learned counsel appearing for the petitioner as well as the learned counsel for the defacto complainant submitted that it is a love affair. Now on the intervention of elders, both the parties amicably settled the issue among themselves and they are interested in their academics. Further, the learned counsel for the defacto complainant submitted that the defacto complainant does not wish to pursue the complaint and has no objection to quash the FIR and related proceedings. Hence, they seek to quash the proceedings pending against the petitioner and in this regard, a memo of compromise entered between them, which is scanned and produced hereunder:



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Crl.O.P.No. 8141 of 2026

in
Crime No.22 of 2025
(On the file of the Inspector of Police W-28,
Kotturpuram Police Station, Chennai)

E. RISHIKUMAR aged 25 years,
S/o Mr. Elangovan,
No.38/20, Ramanujam Street,
Koscpet, Chennai-600012.

..Petitioner/Accused

Vs

1.STATE represented by
The Inspector of Police,
All Women Police Station,
W-28, Kotturpuram,
Chennai 600018.
(Crime No.22 of 2025)

..Respondent/Complainant

2. INDHUMATHI aged 26 years.
D/o Srinivasan,
E-31, Raja Muthaiyapuram,
Mandaveli, Chennai-600028.

..Respondent/Defacto
Complainant

MEMO OF COMPROMISE

It is respectfully submitted that, on the basis of a complaint given by the 2nd Respondent, dated 30.12.2025, the 1st Respondent has registered a First Information Report against the Petitioner herein in Crime No.22 of 2025 under Section 69 of BNS.

After having registered the FIR, the 1st Respondent arrested the Petitioner on 09.01.2026 and the Petitioner was enlarged by this Hon'ble Court on 05.02.2026 in Crl.O.P.No.2700 of 2026.




Second Respondent



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4. Heard both sides and perused the materials available on record.

5. The case is still at the stage of investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

6. The petitioner and the defacto complainant/R2 appeared before this Court and were identified by their respective counsel as well as by Ms.P.Sasikala, WSI, W-28 Kotturpuram, AWPS, R.A.Puram, Chennai – 28.

7. On being enquired by this Court, the defacto 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. She confirms that she is a major, educated, was having a conscious and consensus relationship with the petitioner, knowing its consequences.

8. The learned Additional Public Prosecutor appearing on behalf of the first respondent submitted that though the parties 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 offences of this nature can be quashed on the ground of compromise between parties.

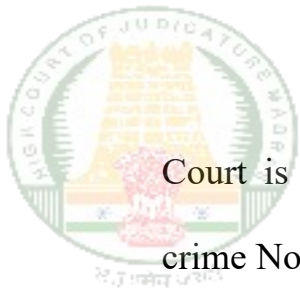


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9.The main issue that requires the consideration of this Court is as to whether this Court can quash the criminal proceedings involving non-compoundable offences pending against the petitioner. The Hon'ble Supreme Court, in the case of *Parbathbhai 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.

10.In the present case, the offence in question is purely individual/personal in nature. It involves dispute between the petitioner and the second respondent defacto complainant 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 pending against the petitioner in crime No.22 of 2025 on the file of the first respondent police.

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11. Accordingly, this Criminal Original Petition stands allowed and the proceedings in Crime No.22 of 2025 pending on the file of the first respondent police, is quashed as against the petitioner.

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

24-04-2026

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

To

1. The Inspector of Police
All Women Police Station,
W-28 Kotturpuram, Chennai -600 018.
2. The Public Prosecutor
High Court, Madras.



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CRL OP No. 8141 of 2



M.NIRMAL KUMAR, J.

sms

CRL OP No. 8141 of 2026

24-04-2026