



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 11116 of 2026

Abhilash. T
S/o Thayunni.M,
Residing at No.3/109,
Parakkattuchalla,
Nanniode, Pattanchery,
Palakkad, Kerala.

..Petitioner(s)

Vs

1. The Sub-Inspector Of Police
GRP-Hosur, GRP District.
Crime No.23 of 2026.

2. Geetha
W/o Vinoth Kannan,
Residing at, No.826-A,
8th Main Road, HSR Layout,
Bangalore.

..Respondent(s)

PRAYER: This criminal original petition filed under Section 528 of BNSS, to call for the records and to quash all the proceedings in FIR in Crime No. 23/2026 on the file of the 1st respondent police or pass any or such orders that this court may deem fit and proper under the circumstances of this case and thus render justice.

For Petitioner(s):

Mr.K.Ezhilarasan

For Respondent(s):

Mr.R. RAJASEKARAN
Govt. Advocate (CRL. SIDE) for R1

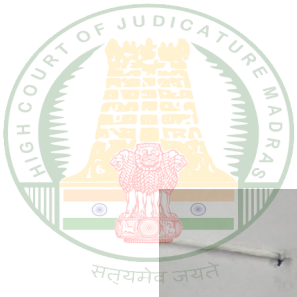
**ORDER**

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The Petitioner/accused in crime No.23 of 2026 for offences under Sections 75 of BNS and 4 of Tamil Nadu Prohibition of Harassment of Woman (amendment) Act, 2002, filed this quash petition.

2.The case against the petitioner is that on 22.02.2026, the defacto complainant/2nd respondent and her son were travelled from Coimbatore to Carmelaram by Train No.16528 (Kannur – Yeshwantput Express), Coach S8, Seat No.68. At about 5.15 hours while the defacto complainant was sleeping, she felt someone placing a hand on her chest. Hence, lodged a complaint. Based on her complaint, the respondent police registered a case in crime No.23 of 2026 for offences under Sections 75 of BNS, 2023 and 4 of Tamil Nadu Prohibition of Harassment of Woman (amendment) Act, 2002.

3.The learned counsel appearing for the petitioner as well as the learned counsel for the defacto complainant/second respondent submitted that the petitioner was apologized and the defacto complainant also forgave his mistake. Now, the parties entered into compromise among themselves. Hence, they seek to quash the proceedings pending against the petitioner and in this regard, a Joint Compromise Memo entered between them, which was scanned and reproduced hereunder:



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MEMORANDUM OF CRIMINAL ORIGINAL PETITION
[Under Section 528 of Bharatiya Nagarik Suraksha Sanhita]
IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Crl. O.P. No. 11116 of 2026

In
FIR in Crime No.23 of 2026.
(On the file of First respondent)

Abhilash.T aged about 37 years
S/o.Mr.Thayunni.M
Residing at No.3/109,
Parakkattuchalla,
Nanniode, Pattanchery,
Palakkad, Kerala-678534

*** Petitioner/Accused

1. The Sub Inspector of Police,
GRP-Hosur, GRP District.
(Crime.No No.23 of 2026)

... 1st Respondent / Complainant.

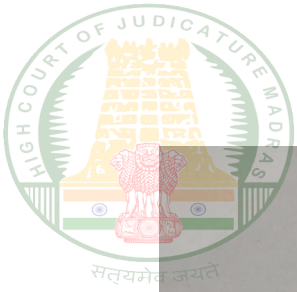
2. Mrs.Geetha aged about 34 years
W/o.Mr.Vinoth Kannan
Residing at No.826-A,
8th Main Road, HSR Layout,
Bangalore

... 2nd Respondent/De-facto Complainant.

JOINT COMPROMISE MEMO

We humbly submit that the petitioner were arraigned as accused in FIR in Crime No.23 of 2026 registered under Section 75 of Bharatiya Nyaya Sanhita (BNS) 2023 and Section 4 of Tamil Nadu Prohibition of Harassment of Woman (Amendment) Act 2002, on the file of the 1st respondent police based on the complaint preferred by the de-facto complainant, the 2nd respondent herein.

1. We humbly further submit that the petitioner is alleged in Sexual Harassment in Running Train No.16528 Yeswanthpur Express S8 Berth



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No.68, Karapalli, Hosur Taluk, Krishnagiri District and the FIR was registered by GRP-Hosur in Crime No.23 of 2026 under Section 75 of Bharatiya Nyaya Sanhita (BNS) 2023 and Section 4 of Tamil Nadu Prohibition of Harassment of Woman (Amendment) Act 2002 the same is pending on the file of the 1st respondent police.

2. We humbly further submit that, in the meantime, the petitioner/accused is apologized and I forgave the mistake and decided to withdrew the allegation. Consequently, we have amicably resolved all disputes. We humbly submit that we now intend to compromise the above criminal case. Accordingly, the 2nd respondent/de-facto complainant has consented, of her own volition, to be a party to this petition and has also agreed to withdraw all allegations made against the petitioner herein unconditionally. Hence, we are filing this affidavit voluntarily to compromise the above case with the second respondent.

PRAYER:

Hence, it is humbly prayed that this Hon'ble Court may be pleased to accept this affidavit and ^{call for the records and} quash all proceedings in FIR in Crime No.23 of 2026 on the file of the 1st respondent police, or pass such other or further orders as this Hon'ble Court may deem fit and proper under the circumstances of the case and thus render justice.

Dated at Chennai on this 30th day March 2026.

(Petitioner)

(Second Respondent/De-facto complainant)



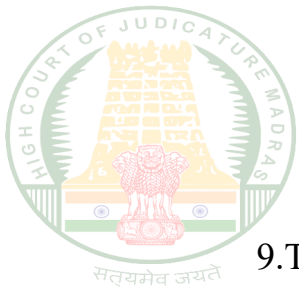
4.The learned Govt. Advocate (Crl.Side) appearing for the first respondent submitted that though the parties entered into a compromise while this case is pending, this Court, taking into account the seriousness of the offence, has to consider the issue as to whether offences of this nature can be quashed on the ground of compromise between parties.

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

6.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.

7.The petitioner and the de facto complainant/R2 appeared before this Court and were identified by their respective counsel as well as by Mr.S.Samathanam, WSSI, Railway Police Station, Hosur.

8.On interaction 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.



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 offences in question are 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.232026 on the file of the first respondent police.



11. Accordingly, this Criminal Original Petition stands allowed and the proceedings in Crime No.23 of 2026 pending on the file of the first respondent police, is quashed as against the petitioner.

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

05-06-2026

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

To

1. The Sub-Inspector Of Police
GRP-Hosur, GRP District.
Crime No.23 of 2026.
2. The Public prosecutor
High Court, Madras.



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CRL OP No. 11116 of 2



M.NIRMAL KUMAR, J.

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