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CRL OP No. 16058 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 16058 of 2026

Ashok @ Ashok Kumar

..Petitioner(s)

Vs

1.The State Rep By, The Inspector of Police
W14 AWPS,
Thiruvottiyur,
Chennai.
Crime No.8 of 2026

2.Anthony

..Respondent(s)

To call for the records and quash the FIR pending investigation in
Crime No.8 of 2026, on the file of the Inspector of Police, W14 AWPS
Thiruvottiyur, Chennai.

For Petitioner(s): Mr.S.Ponnivalavan

For Respondent(s): Mr.R.Rajasekaran, G.A.(Crl. Side), for R1
Mr.V.Socrates for R2

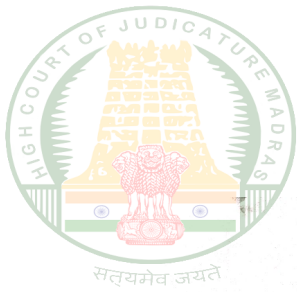


ORDER

The petitioner, who has been arrayed as accused in Crime No. 8 of 2026 for the offence under Sections 366, 342, 354A(2), 451 of IPC and Section 7 r/w and 8 Section 11(1) r/w 12 of the Protection of Children from Sexual Offences (POCSO) Act, 2012, has filed this quash petition.

2.The case of the prosecution is that the petitioner is running a pawnshop nearby the second respondent/complainant's house. The complainant has two daughters, including the victim herein, who is a minor aged 17 years. The petitioner took the victim girl to an isolated place where the petitioner tried to misbehave with her and asked her to do unwanted things. When the victim girl shouted, the petitioner dropped her near her house. Subsequently, the second respondent, who is the mother of the victim, lodged a complaint, pursuant to which, an FIR came to be registered against the petitioner.

3.The learned counsel for the petitioner as well as the learned counsel for the de facto complainant submitted that the occurrence arose out of a misunderstanding between the parties, which was purely personal in nature. Subsequently, with the intervention of elders and well-wishers, the parties resolved their differences amicably. In view of the settlement, they have filed a Joint Compromise Memo, which was scanned and reproduced hereunder:



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IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)Crl. O.P. No. 16058 Of 2026

In

Crime No. 8 of 2026

(On the file of the Inspector of police, W-14, AWPS, Thiruvottriyur,
Chennai District)

ASHOK @ ASHOK KUMAR M/a.45 years,
S/o. Kannaram,
No.70, A Janakiammal Street,
Kaladipettai, Thiruvottriyur,
Chennai - 600019.

... Petitioner / Sole Accused

-Vs-

1. State Rep. by its,
The Inspector of Police,
W-14 AWPS Thiruvottriyur,
Chennai District.
(Crime No.8 of 2026)

...1st Respondent

2. **ANTHONY** F/a. 34 years,
W/o. Mohamed Umar,
No.102, C Block, 9th floor,
Tsunami Housing Board,
NTO Kuppam, Thiruvottriyur,
Chennai - 600019.

... 2nd Respondent / Complainant**JOINT MEMO OF COMPROMISE**

In this deed of memo of compromise entered at Chennai on this
09th June 2026

Between



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1. **ASHOK @ ASHOK KUMAR** Son of Kannaram, aged about 45 years, residing at, New No.70, A Janakiammal street, Kaladipettai, Thiruvottriyur, Chennai - 600019. (Hereafter refereed as a party of the **First part**)

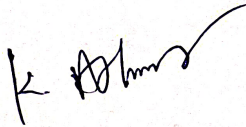
And

ANTHONY, wife of Mohamed Umar, aged about 34 years, residing at No.102, C Block, 9th Floor, Tsunami Housing Board, NTO Kuppam, Thiruvottiyur, Chennai - 600019. (Hereafter refereed as a party of the **Second part**)

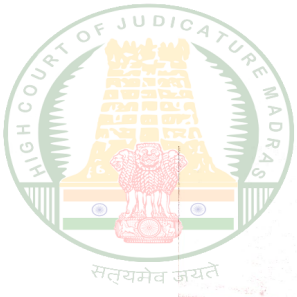
2. The party of the first part are petitioner in this petition as well as accused in Crime No.8 Of 2026 registered by the Inspector of police, W-14, AWPS Thiruvottiyur, Chennai. Likewise, the party of the second part is a 2nd respondent in this petition as well as complainant in the above said case.

3. The party of the first part and the party of the second part have settled the issue out of the court between themselves. Accordingly, the party of the second part has made a withdrawal letter of the complaint before the concern police station to withdraw the complaint. The 1st respondent refused to receive the withdrawal letter since the case has been comes under the POCSO Act, 2012.

4. The party of the first part has settled the issue as per the wishes of the party of the second part.



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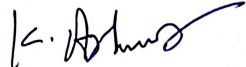
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In these circumstances, they have filed this joint memo of compromise before this Hon'ble court without any coercion and compulsion, to support the petition filed by the petitioner.

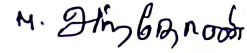
Under these circumstances, the parties of this deed are pray that this Hon'ble court may be pleased to accept the joint memo of compromise, recorded the same and quash the First Information Report on the file of the Inspector of police, W-14 AWPS Thiruvottiyur, Chennai pending investigation in crime No.8 Of 2026 and thus render justice.

Dated at Chennai on this 09th day of June 2026

Party of the First Part


(ASHOK KUMAR)

Party of the Second Part


(ANTHONY)

Completed

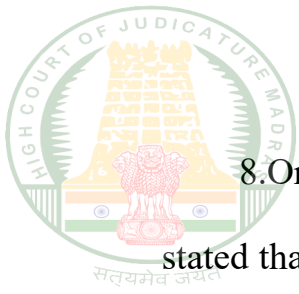


4. The learned Govt. Advocate (Crl. Side) appearing for the first respondent submitted that based on the complaint of the second respondent, an FIR came to be registered against the petitioner. He further submitted that though the parties have entered into a compromise, this Court, taking into account the seriousness of the offence, has to consider 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. On a perusal of the statement recorded under 164 Cr.P.C., it is evident that the victim girl categorically stated that the petitioner had nothing to do with the alleged incident. She further stated that the Police informed her that the petitioner had admitted his guilt and asked her to narrate the incident. However, she clearly replied that no such incident had occurred, whereupon the Police left the place. Therefore, it is clear that the petitioner has been falsely implicated in this case. 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, the victim and the second respondent/de facto complainant appeared before this Court and they were duly identified by their respective counsel and respondent Police.



8. On interaction by this Court, the second respondent/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 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.8 of 2026.

11. Accordingly, this Criminal Original Petition stands allowed and the proceedings in Crime No. 8 of 2026 pending on the file of the first respondent, is quashed.

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

25-06-2026

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

To

1. The Inspector of Police
W14 AWPS,
Thiruvottiyur,
Chennai.
Crime No.8 of 2026
2. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

PVS

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