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CRL OP No. 28825 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. 28825 of 2025

1. J.Jagadeesh
2. Jeyachandran
3. Kannagi
4. Prakatheesh
5. Bhuvaneshwari
6. Venkadesh
7. Padmapriya

..Petitioner(s)

Vs

1. Inspector of Police
All Women Police Station,
Ashok Nagar,
Chennai.
2. Rasika

..Respondent(s)

To call for the records relating to the C.C.No.10016/2018 on the file of the XXIII MM, Saidapet and quash the same and pass such other orders as this Honble Court.



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For Petitioner(s):

Mr.S.Venkatesan,
for M/s.K.Sundararaj

For Respondent(s):

Mr.R.Rajasekaran, G.A.(Crl. Side), for R1
Mr.K.G.Senthil Kumar, for R2**ORDER**

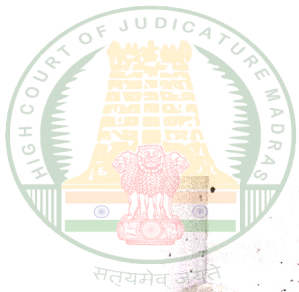
The petitioners, who are facing trial for the offences under Sections 498(A), 406, 507, 294(b) of IPC in CC.No.10016 of 2018 on the file of the learned XXIII Metropolitan Magistrate, Saidapet, Chennai, have filed this Criminal Original Petition to quash the criminal proceedings.

2.The case of the prosecution is that the marriage between the first petitioner and the second respondent was solemnised on 30.10.2014. No child was born out of the wedlock. It is alleged that the first petitioner abused the second respondent and her family members in filthy language, assaulted her, and ultimately drove her out of the matrimonial home. Based on the complaint lodged by the second respondent, a case was registered in Crime No.5 of 2018 against the petitioners, who are the husband and in-laws of the second respondent. Upon completion of the investigation, a final report was filed by the respondent Police and the same has been taken on file as CC.No.10016 of 2018 on the file of the learned XXIII Metropolitan Magistrate, Saidapet, Chennai.



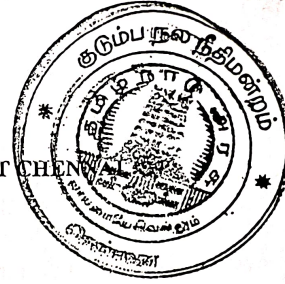
3. During the pendency of the criminal proceedings, the second respondent initiated proceedings under the Protection of Women from Domestic Violence Act in D.V.C.No.96 of 2020, while the first petitioner instituted O.P.No.266 of 2020. Subsequently, the parties amicably resolved all their disputes and decided to dissolve their marriage by mutual consent. Accordingly, they jointly filed O.P.No.5471 of 2022 before the VII Additional Family Court, Chennai seeking dissolution of marriage by mutual consent.

4. As part of the settlement, the first petitioner paid a sum of Rs.7,50,000/- to the second respondent towards full and final settlement of permanent alimony and they also exchanged their respective articles. The parties agreed that neither of them would have any further claim against each other. Pursuant to the settlement, the second respondent withdrew D.V.C.No.96 of 2020 and the first petitioner withdrew O.P.No.266 of 2020. They further agreed to take necessary steps for quashing the criminal proceedings in C.C.No.10016 of 2018. Recording the terms of settlement, family granted a divorce by mutual consent. The order of the Family Court is scanned and extracted hereunder:



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IN THE VII ADDITIONAL PRINCIPAL FAMILY COURT AT CHENNAI

Thiru. G. Vijayakumar, B.Sc., L.L.M.,

VII Additional Principal Judge

VII Additional Family Court

Wednesday, the 28th day of May 2025O.P.No. 5471/2022

1. J. Jagadeesh
2. Rasiha

... Petitioners

This petition came up on 21.05.2025 before me for final hearing, in the

presence of the petitioners and upon hearing both parties and on perusing the petition and other connected material papers on record and this petition having stood over for consideration till this date, this court today delivers the following:

ORDER

1. This petition has been filed by the petitioners for passing a decree of consent divorce under section 13-B of Hindu Marriage Act, 1955 for dissolving the marriage between the petitioners held on 30.10.2014 at Theerka Sumangali Mahal, Thanjavur.

2. THE BRIEFAVERMENTS IN THE PETITION ARE AS FOLLOWS :-

The marriage between the first petitioner and second petitioner was held on 30.10.2014 at Theerka Sumangali Mahal, Thanjavur as per the Hindu Rites and Customs. Out of the wed-lock, no child was born to them. After marriage, they set up their matrimonial house at Bangalore. Due to some misunderstanding the petitioners are living separately from June 2016 to till date. The efforts taken by the relatives to continue the marital relationship were failed. There is no possibility to live together as husband and wife in future. The matrimonial life has

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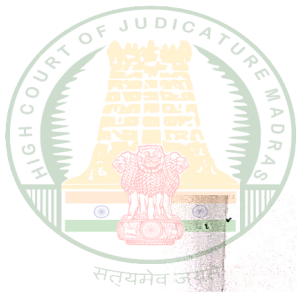
and there is no possibility of reunion. Both petitioners have decided to dissolve their marriage amicably by mutual consent. The 2nd petitioner has filed DVC No.96/2020 and she agrees to withdraw the same. The 1st petitioner has filed OP.No.2666/2020 and he has withdrawn the same on 24.11.2022. Both petitioners agree to take steps for withdrawal of C.C.No:10016/2018 pending before the Metropolitan Magistrate Court, Chennai. The 1st petitioner agrees to pay a sum of Rs.7,50,000/- towards permanent alimony to the 2nd petitioner and the 2nd petitioner also agrees for the same and accordingly the 2nd petitioner received Rs.7,50,000/- from the 1st petitioner by way of 3 D.D's each for Rs.2,50,000/-. The petitioners have stated that they have no claim against each other in respect of movable or immovable properties and they have exchanged their respective articles from each other. The consent for mutual divorce has not been obtained by means of threat or coercion or force. Both parties have filed this petition together mutually agreeing that the marriage should be dissolved. Accordingly the petitioners have decided to get separated by mutual consent. Hence this petition for divorce by mutual consent.

3. The petitioners were examined as PW.1 and PW.2 and Ex.P.1 to Ex.P. 6 were marked.

4. Point for consideration :

Whether the petitioners are entitled for divorce by mutual consent ?

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**Answer for the Point:**

5. The petitioners were heard. This petition was presented on 24.11.2022 under 13-B of Hindu Marriage Act. The petition was adjourned to 24.05.2023 enabling the petitioners to undergo 6 months statutory waiting period as it is required under law.

6. Both petitioners were present on 24.05.2023 after the expiry of the statutory period. They have stated that they have already attended mediation in O.P.No.2666/2020 and the mediation ended in failure in respect of reunion. The parties reiterated their stand for divorce and made their second motion.

7. In support of their second motion the 1st and 2nd petitioners were examined as PW1 and PW2 respectively and Ex.P.1 to Ex.P.6 were marked. Ex.P.1 is the Marriage Invitation. Ex.P.2 is the Marriage Photograph. Ex.P.3 is the copy of the petition in O.P.No.2875/2017. Ex.P.4 is the copy of the Aadhar Card of the 1st petitioner. Ex.P.5 is the copy of first page of bank passbook of the 1st petitioner and Ex.P.6 is the copy of the Aadhar Card of the 2nd petitioner. The parties reiterated their stand for divorce on their own volition.

8. In order to prove their marriage, Ex.P.1/ Marriage Invitation. Ex.P.2 /Marriage Photograph. were filed, which prove their marriage.

9. The petitioners have stated that out of the wed-lock, no child was born to them and they are living separately from June 2016 due to misunderstanding and the efforts taken by both sides to continue the marital relationship were failed

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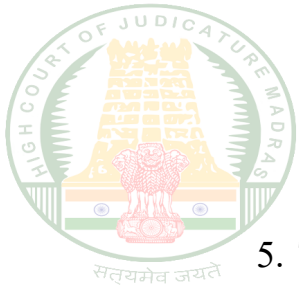
and there is no possibility to live together as husband and wife in future and the matrimonial life has resulted in failure and hence they decided to dissolve their marriage amicably by mutual consent.

10. The petitioners have further stated in their proof affidavit that the 1st petitioner paid a sum of Rs.7,50,000/- towards permanent alimony to the 2nd petitioner and they have stated that they have no claim against each other in respect of maintenance, movable or immovable properties and they have exchanged their respective articles from each other and the 2nd petitioner has agreed to withdraw the DVC.No.96/2020 filed by her and the 1st petitioner withdrew the OP.No.2666/2020 filed by him and they have agreed to take steps to withdraw the C.C.No.10016/2018 pending before the Metropolitan Magistrate Court, Chennai.

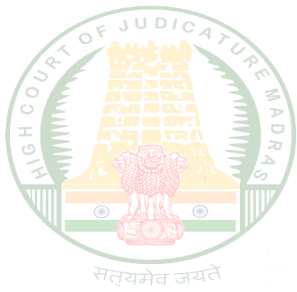
11. The petitioners have settled their issues amicably which is evident from the pleadings and the evidence of the petitioners. There is no meeting of minds between the parties and there is no scope for reunion. Hence this court arrives at a conclusion that the grant of divorce by mutual consent would meet the ends of justice and this point is answered accordingly.

In the result, this petition is allowed and the marriage between the petitioners which was held on 30.10.2014 at Theerka Sumangali Mahal, Thanjavur is dissolved by mutual consent and the decree of divorce is granted. No costs.

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5. Thereafter, the second respondent filed an affidavit dated 29.10.2025 before this Court expressing that the dispute had been amicably settled and stating that she has no objection to quashing the criminal proceedings. The learned counsel appearing for the petitioners and the second respondent submitted that the said affidavit has been filed in terms of the undertaking given before the Family Court in O.P.No.5471 of 2022. The affidavit is scanned and extracted hereunder:



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7. PADMAPRIYA,
D/o. Venkatesh,
Pudhupalayam,
Cuddalore.

... Petitioners / Accused No.1to7

Vs

1.THE INSPECTOR OF POLICE,
All Women Police Station,
Ashok Nagar,
Chennai.
(Crime.No. 5 / 2018)

... 1st Respondent / Complainant

2. MRS.RASIKA,
D/o. Rajasekaran,
No.6/5,Manju Apartments ,
Thiruvallur Street,
Nesapakkam Nagar,
Chennai-600 078.

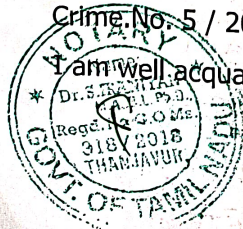
Presently residing at
No.31, Vijaya Nagar,
Melaveli, Reddipalayam Road,
Thanjavur-613 009

... 2nd Respondent /De-facto Complainant

AFFIDAVIT OF MRS.RASIKA/2ND RESPONDENT

I, **RASIKA**, Daughter of Rajasekaran, Hindu, aged about 37 years residing at No.31, Vijayanagar, Melaveli, Reddipalayam Road, Thanjavur do here by solemnly affirm and Sincerely states as follows:

1. I am the 2nd Respondent herein / De-facto complainant in the Crime.No. 5 / 2018 and LW.1 in C.C.No.10016 of 2018 and as such I am well acquainted with the facts of the case.



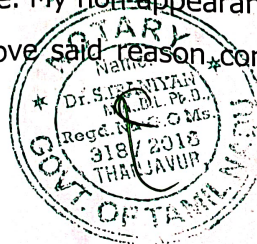
R. Rishi



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2. I submit that I have given a complaint as against the Petitioners in Crl.O.P.No.28825 of 2025. The Petitioners herein were charged for off u/s. 498(A), 406, 507 & 294(b) of I.P.C. by the 1st Respondent.
3. I submit that the 2nd Respondent more specifically deny the allegations made in para No's.4, 5 & 6. I am the ultimate lossier and sufferer in the hands of the petitioners. I submit that the 1st petitioner who had love affair with the 7th petitioner even prior to the marriage even though it was known to the other petitioners, who suppressed the same and spoiled my matrimonial life but without considering those tragedies, I had given up all those things and entered into an compromise and as per the terms in O.P.No.5471 of 2022 vide judgment dated 28.05.2025, I am duty bound to file this supporting affidavit, Though it was stated that a sum of Rs.7,50,000/- was paid as permanent alimony it is not so. The petitioners had paid the half the share of the marriage expences but any how I doesn't want to go into those past issues, Since the petitioners even in the quash petition made several allegations with any courtesy. I was constrained to state all those things.
4. I submit that I am now leading a 2nd matrimonial life peacefully at Thanjavur. So I was not in a postion to appear in person and file the affidavit in support of the quash petition since, I apprehend that it may have an impact in the present family life. Hence I pray this Hon'ble court to apologies me for my non appearance either in person or through video conference. My non-appearance is neither willfull nor wanton due to the above said reason considering my

R. R. R.

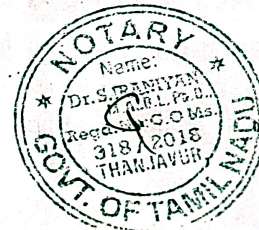
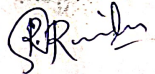




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future this Hon'ble court may be pleased to dispense with my personnel appearance.

5. I submit that I doesn't want to proceed further though I have set the criminal law in motion. Based on the compromise arrived between me and the Petitioners. The continuation of the criminal proceedings would tantamount to abuse of process of law, despite settlement and compromise between us, hence I am filing this supporting affidavit in support of the quash petition filed by the Petitioners.
6. I further submit that I am filing this affidavit in support to the present criminal original petition to Quash the case in C.C.No. 10016 of 2018 pending trial on the file of the XXIIIth M.M.saidapet, Chennai. Since I have entered into a compromise with the present Petitioner since the entire issue was settled between us. Hence we are approaching this Hon'ble Court u/s.528 of B.N.S.S. I have decided to compound the offence. I reiterate that the stand of mine is consistent as on today. I have decided not to proceed with the matter. I would not prefer to step into the witness box and to give evidence against the present Petitioners, neither I wish that the precious time of the Hon'ble Court as well as the 1st Respondent would be wasted in a matter which has already been compromised and therefore the impugned C.C.No.10016 of 2018 may kindly be quashed as against the Petitioners on the ground of compromise arrived between us.





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7. Hence the interest of justice requires that the present quash petition has to be considered specially or otherwise my conscious will not allow me to have a peaceful mind. I further submit that I undertake to enclose my passport size photo, along with Aadhar card along with this petition for proper identity.
8. I submit that I am filing this supporting affidavit without any threat or coercion and according to my own will and wish.
9. I submit that I have no objection in allowing this petition praying for quash in CrI.O.P.No. 28825 of 2025.

I therefore pray that this Hon'ble court may be pleased to allow the quash petition filed by the Petitioner in CrI.O.P.No. 28825 of 2025 and thus render justice.

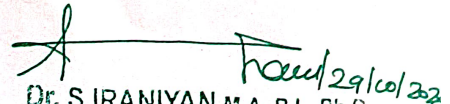


Solemnly affirmed at Chennai
this 29th day of October 2025
read over and explained in Tamil
and signed his name in my presence.

BEFORE ME

Advocate, Thanjavur




Dr. S. IRANIYAN, M.A., B.L., Ph.D.,
Advocate & Notary Public,
GOVT. OF TAMILNADU,
1/38, Aiysha Complex, THANJAVUR. 1

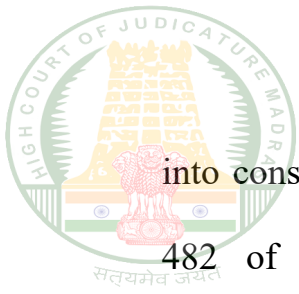


6. The learned Govt. Advocate (Crl.side) appearing for the first respondent submitted that based on complaint of the second respondent, the criminal case came to be registered against the petitioner. He further submitted that though the parties have entered into a compromise, this Court, taking into 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.

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

8. The criminal case is still at the stage of trial. In the meanwhile, the parties have amicably settled their matrimonial dispute. The petitioner and the second respondent/defacto complainant appeared before this Court and were duly identified by their respective counsel. On interaction by this Court, the second respondent/defacto complainant stated that the dispute has been settled amicably and that she is not willing to pursue the criminal proceedings and therefore, seeks to quash the same.

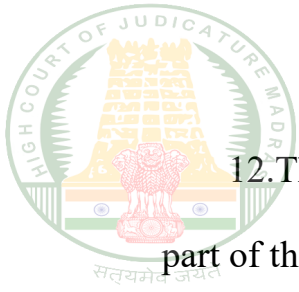
9. The main issue that requires the consideration of this Court is as to whether this Court can quash the criminal proceedings involving non-compoundable offences pending against the petitioners. The Hon'ble Supreme Court, in the case of *Parbathbhai Aahir @ Parbathbhai Vs. State of Gujarat*, reported 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. (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 allegations arise out of a matrimonial dispute between the parties. The parties have voluntarily settled all their disputes, obtained a decree of divorce by mutual consent, and have resolved all ancillary issues. The second respondent also expressed before this Court that she has no objection to the quashing of the criminal proceedings. Therefore, this Court is satisfied that the dispute is purely personal in nature and that continuation of the prosecution would serve no useful purpose. Quashing the proceedings would not affect any overriding public interest.

11. Accordingly, this Criminal Original Petition stands allowed and the proceedings in CC.No.1033 of 2023 on the file of the learned XIII Metropolitan Magistrate, Saidapet, Chennai, is quashed.

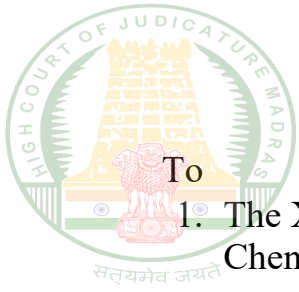


12. The affidavit filed by the second respondent dated 29.10.2025 shall form part of the records.

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25-06-2026

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



To

1. The XXIII Metropolitan Magistrate, Saidapet,
Chennai

2. VII Additional Family Court, Chennai

3. Inspector of Police
All Women Police Station,
Ashok Nagar,
Chennai.

4. The Public Prosecutor,
High Court, Madras

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M.NIRMAL KUMAR, J.

PVS

CRL OP No. 28825 of 2025

25-06-2026