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CrI.O.P.No.34297 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2026

CORAM:

THE HONOURABLE MR JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.O.P.No.34297 of 2025

Kirupakaran

... Petitioner

Vs.

1.The State Represented by
The Inspector of Police
All Women Police Station,
Bhavani,
Erode District.
Cr. No. 16/2023.

2.M.Hamritha

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of B.N.S.S. to call for the records relating to the Final Report in C.C.No. 313/2025 pending on the file of the Learned Judicial Magistrate, Additional Mahila Court, Erode and to quash the same.

For Petitioner : Mr.E.C.Ramesh

For Respondents : Mr.S.Santhosh
Government Advocate (CrI. Side) for R1
Ms.R.S.Varshana for R2

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.313 of 2025, on the file of the Judicial Magistrate,



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Additional Mahila Court, Erode, on the basis of the compromise arrived at between the petitioner and the *de facto* complainant/second respondent.

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

3. Based on the complaint given by the *de facto* complainant/R2, a case in Crime No.16 of 2023 was registered on the file of the first respondent Police against the petitioner, for the offences under Sections 498A & 494 of IPC and Section 4 of the Dowry Prohibition Act, 1961. After completion of investigation, a charge sheet was filed and taken cognizance of as aforesaid.

4. The learned counsel appearing for the petitioner as well as for the *de facto* complainant submitted that the dispute arises out of a matrimonial relationship and that on the advice of elders, the parties have now amicably settled the issue among themselves. It was further submitted that the parties have filed a petition for mutual divorce in H.M.O.P.No.159 of 2024 under Section 13-B of the Hindu Marriage Act, before the Family Court, Salem and the same was allowed.



5. The learned counsel appearing for the petitioner further submitted that the 2nd respondent has subsequently married another person and is not interested in prosecuting the present proceedings and compromised the matter. Hence, they seek to quash the proceedings pending against the petitioner. Affidavits and a Joint Compromise Memo to that effect have also been filed.

6. The petitioner and the *de facto* complainant/R2 (through video conferencing) appeared before this Court and were identified by their respective counsel as well as by Ms.V.M.Eswari, WHC-425, All Women Police Station, Bhavani.

7. On being enquired by this Court, the *de facto* 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.

8. Learned Government Advocate (Criminal Side) 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



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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 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



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is inclined to quash the proceedings pending against the petitioner in C.C.No.313 of 2025 on the file of the Judicial Magistrate, Additional Mahila Court, Erode, on condition that the petitioner pays a sum of Rs.10,000/- (Rupees Ten Thousand only) as costs to the Tamil Nadu State Legal Services Authority (TNSLSA), High Court Campus, Chennai 600 104, within a period of two (2) weeks from the date of receipt of a copy of this order.

11. Accordingly, this Criminal Original Petition is disposed of and the proceedings in C.C.No.313 of 2025 is quashed as against the petitioner.

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

30.01.2026

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Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No

To

1.The Judicial Magistrate, Additional Mahila Court, Erode.



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A.D.JAGADISH CHANDIRA J.

rpl

2.The Inspector of Police
P6 Kodungaiyur Police Station,
Chennai-600118.

3.The Public Prosecutor
High Court of Madras, Chennai

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