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Crl.O.P.No.189 of 2026

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2026

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.189 of 2026

Kumaran

... Petitioner

Vs.

1. The State of Tamil Nadu,
The Inspector of Police,
Tank Factory Police Station,
Ambattur.

2. Kamatchi

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to call for the records and quash the charge sheet in S.C.No.107 of 2023 pending before the on the file of the Fast Track Mahila Court, Tiruvallur.

For Petitioner : Mr.R.Venkatesh

For R1 : Mr.S.Santhosh
Government Advocate (Criminal Side)

For R2 : Ms.M.Safna

ORDER

The present Criminal Original Petition has been filed seeking to quash the proceedings in S.C.No.107 of 2023 on the file of the Fast Track Mahila Court, Tiruvallur, pending against the petitioner, on the basis of the

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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.1043 of 2019 was registered on the file of the first respondent Police against the petitioner, for the offence under Section 307 of IPC. After completion of investigation, the final report was filed before the Fast Track Mahila Court Court, Tiruvallur and the trial Court took cognizance of the case and numbered it as S.C.No.107 of 2023.

4. Learned counsel appearing for both the petitioner and the second respondent/*de facto* complainant submitted that the petitioner and the *de facto* complainant are husband and wife and that the matter arises out of a matrimonial dispute. They further submitted that the incident took place during a domestic quarrel between them and that on the advice of elders, the parties have now amicably settled the issue among themselves and are living under the same roof without any problem. It was further submitted that the petitioner has also turned a new leaf and stopped his drinking habit.



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Hence, they seek to quash the aforesaid case as against the petitioner.

Affidavits and Joint Memo of Compromise to that effect have also been filed.

5. The petitioner and the *de facto* complainant/R2 appeared before this Court and they were identified by the respective counsel as well as by Mr.A.Desigamani, Sub-Inspector of Police, Tank Factory Police Station.

6. On being enquired by this Court, the *de facto* complainant stated that she has amicably settled the dispute with the petitioner and living with him without any problem. Further, she is not willing to pursue the criminal proceedings against her husband/petitioner and therefore, seeks to quash the same.

7. Learned Government Advocate (Criminal Side) appearing on behalf of the first respondent police submitted that though the parties have 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 an offence of this nature can be quashed on the ground of compromise between parties.



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8. 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.

9. 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



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S.C.No.107 of 2023, on the file of the Fast Track Mahila Court, Tiruvallur,
in exercise of its jurisdiction under Section 482 Cr.P.C./Section 528 BNSS.

10. Accordingly, this Criminal Original Petition stands allowed and the proceedings in S.C.No.107 of 2023, pending on the file of the Fast Track Mahila Court, Tiruvallur, is quashed as against the petitioner

11. 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.

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Neutral Citation: Yes/No

To

1. The Sessions Judge,
The Fast Track Mahila Court,
Tiruvallur.
2. The Inspector of Police,
Tank Factory Police Station,
Ambattur.
3. The Public Prosecutor,
High Court of Madras.

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A.D.JAGADISH CHANDIRA, J.

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