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CRL OP No. 33545 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-01-2026

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

CRL OP No. 33545 of 2025

CRL MP No.23408 of 2025

Mr.A.Jagan
S/o.A.M.Arumugam

..Petitioner(s)

Vs

1. The State Rep. by the Inspector of Police,
A.W.P.S.Uthukottai Police Station,
Uthukottai.
(Ref.Crime No.04/2024 Dt.11.02.2024)

2. J.Anitha
W/o.A.Jagan,

..Respondent(s)

Prayer: Criminal Original Petition filed under Section 528 BNSS, 2023, to call for records in C.C.No.267 of 2025 and the same is pending before learned Judicial Magistrate-I, Ponneri and quash the same.

For Petitioner(s): Mr.J.Senthamilarasu

For Respondent(s): Mr.K.M.D.Muhilan
Additional Public Prosecutor - R1

Mr.J.Ranjith Kumar - R2

ORDER

The present Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.267 of 2025 pending before learned Judicial



Magistrate-I, Ponneri, on the basis of the compromise arrived at between the petitioner and the *de facto* complainant/second respondent.

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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.04 of 2024 was registered on the file of the first respondent Police against the petitioner, for the offences under Sections 498-A IPC r/w Section 4 of TNPHW Act and subsequently, a charge sheet was laid in C.C.No.267 of 2025 for the offences under Section 498-A, 323 and 506(1) IPC r/w Section 4 of the TNPHW Act.

4. Learned counsel appearing for the petitioner as well as for the *de facto* complainant submitted that the matter arises out of a matrimonial dispute and that on the advice of elders, the parties have now amicably settled the issue among themselves. Hence, they seek to quash the proceedings pending against the petitioner. Affidavits and a Joint Compromise Memo to that effect have also been filed.

5. The petitioner and the *de facto* complainant/R2 appeared before this Court and were identified by their respective counsel as well as by Mrs.S.Tamizh Selvi, Inspector of Police, AWPS, Uthukottai, Thiruvallur



District, Phone No.9498147812.

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6. 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.

7. Learned Additional Public Prosecutor appearing on behalf of the first respondent submitted that though the parties have entered into a compromise while this case is pending, this Court, taking into account the seriousness of the offences, has to consider the issue as to whether offences of this nature can be quashed on the ground of compromise between parties.

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 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.

9.In the present case, the offences in question are purely individual/personal in nature. It involves dispute between the petitioners 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 C.C.No.267 of 2025 on the file of the learned Judicial Magistrate-I, Ponneri, in exercise of its jurisdiction under Section 482 Cr.P.C./Section 528 BNSS.

10.Accordingly, this Criminal Original Petition stands disposed of and the proceedings in in C.C.No.267 of 2025 pending on the file of the learned Judicial Magistrate-I, Ponneri, is quashed as against the petitioner, on condition that the petitioner shall pay a sum of Rs.5,000/- (Rupees Five 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. Consequently, connected miscellaneous petition is closed.



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.

27-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1. The Judicial Magistrate-I
Ponneri
2. The Inspector of Police,
A.W.P.S.Uthukottai Police Station,
Uthukottai.
(Ref.Crime No.04/2024 Dt.11.02.2024)
3. The Public Prosecutor
High Court of Madras
Chennai 600 104



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