



Crl.O.P.No.34241 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2026

CORAM:

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

Crl.O.P.No.34241 of 2025

Naina Mohamed

...Petitioner

Vs.

1. State rep. by,
The Inspector of Police,
Kunnam Police Station,
Perambalur District.
Crime No.163 of 1999.

2. Alagappan

3. XXXX

...Respondents

Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to call for the entire records in connection with P.R.C.No.53 of 2004, on the file of the learned Judicial Magistrate, Additional Mahila Court (Magisterial Level), Perambalur and quash the same on the ground of compromise.

For Petitioner : Mr.M.Vijayaragavan

For Respondents : Mr.S.Santhosh, GA(Crl. Side), for R1
: Mr.M.Venkatesh, for R2 & R3



Crl.O.P.No.34241 of 2025

ORDER

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The present criminal original petition has been filed seeking to quash the proceedings in P.R.C.No.53 of 2004, pending on the file of the learned Judicial Magistrate, Additional Mahila Court (Magisterial Level), Perambalur, on the basis of the compromise arrived at between the petitioner, on the one hand and the *de facto* complainant/2nd respondent and the victim/3rd respondent, on the other.

2. Heard the learned counsel on either side and perused the materials available on record.

3. Based on the complaint given by the *de facto* complainant/R2, who is the brother of the victim girl, a case in Crime No.163 of 1999 was registered on the file of the respondent-Police against the petitioner and other accused persons for the offence under Section 366 of IPC and on completion of investigation, the final report came to be filed before the learned Judicial Magistrate, Additional Mahila Court (Magisterial Level), Perambalur, for the offence under Section 366 of IPC and the same was taken on file in P.R.C.No.53 of 2004, challenging which this criminal original petition is filed, as aforesaid.



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4. Learned counsel appearing for the petitioner as well as the learned counsel for the 2nd and 3rd respondents submitted that the complaint is of the year 1999 and subsequently, the 1st and 2nd accused have passed away and the petitioner herein/A3 had driven the vehicle at the time of occurrence without the knowledge that the 3rd respondent/victim was abducted by the other accused persons. Furthermore, it was submitted that the victim girl had subsequently got married and she is leading a happy married life and she does not want to get herself dragged into this case and therefore, the parties have now amicably settled the issue among themselves. Hence, they seek to quash the proceedings as against the petitioner. Affidavits and a Joint Memo of Compromise to that effect have also been filed.

5. The petitioner, the *de facto* complainant/R2 and the victim girl/R3 appeared before this Court and they were identified by the learned counsel on either side as well as by Mr.S.Balasubramanian, Sub Inspector of Police, Kunnam Police Station, Perambalur District.

6. On being enquired by this Court, the *de facto* complainant and the victim girl, who is a major now, stated that they have amicably settled



the dispute with the petitioner and they are not willing to pursue the criminal proceedings and therefore, seek to quash the same.

7. Learned Government Advocate (CrI. Side) appearing on behalf of the 1st respondent submitted that though the parties have entered into a compromise, 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.

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 offence 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



Cr.L.O.P.No.34241 of 2025

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 offence in question is purely individual/personal in nature. It involves dispute between the petitioner and the 2nd and 3rd respondents 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.

10. In view of the above, this Court is inclined to quash the proceedings in P.R.C.No.53 of 2004 pending on the file of the learned Judicial Magistrate, Additional Mahila Court (Magisterial Level), Perambalur, in exercise of its jurisdiction under Section 482 Cr.P.C./Section 528 BNSS.

11. Accordingly, this criminal original petition stands disposed of and the proceedings in P.R.C.No.53 of 2004 pending on the file of the learned Judicial Magistrate, Additional Mahila Court (Magisterial Level), Perambalur, is quashed as against the petitioner, in view of the compromise arrived at between the parties.



Crl.O.P.No.34241 of 2025

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12. The affidavits and the Joint Memo of Compromise filed by the petitioner and the 2nd and 3rd respondents for compromising the offence shall form part of the records.

09.01.2026

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Neutral Citation: Yes/No

To

1. The Judicial Magistrate, Additional Mahila Court (Magisterial Level), Perambalur.
2. The Inspector of Police, Kunnam Police Station, Perambalur District.
3. The Public Prosecutor, High Court of Madras.



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CrI.O.P.No.34241 of 2025

A.D.JAGADISH CHANDIRA, J.

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CrI.O.P.No.34241 of 2025

09.01.2026