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CrI.O.P.No.2552 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2026

CORAM:

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

CrI.O.P.No.2552 of 2026

V.Sarath Kumar

... Petitioner

Vs.

1.The State represented by
The Sub-Inspector Police,
Mangadu Police Station,
Avadi District.
(Crime No.773 of 2025)

2.J.Viswabharathy

... 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 in First Information Report in Crime No.773 of 2025 on the file of first respondent and to quash the same.

For Petitioner	: Mr.B.Manikandan
For R1	: Mr.K.M.D.Muhilan Additional Public Prosecutor
For R2	: Mr.N.Suganthan



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ORDER

This Criminal Original Petition has been filed seeking quashment of the First Information Report in Crime No.773 of 2025 on the file of first respondent.

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

3. Based on the complaint given by the *de facto* complainant/R2, the aforesaid case in Crime No.773 of 2025 was registered on the file of the 1st respondent/ Police against the petitioner for the offences under Sections 296(b), 115(2), 351(2) of BNS, 2023 and 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.

4. Learned counsel appearing for the petitioner as well as for the *de facto* complainant/R2 submitted that due to matrimonial dispute, counter case has also been registered; on the advice of elders, the parties have now amicably settled the issue among themselves. Hence, they seek to quash the aforesaid proceedings. 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 were identified by their respective counsels and Mr.N.Sivakumar, Sub-Inspector, T-14 Mangadu 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 she is not willing to pursue the criminal proceedings and therefore, seeks to quash the same.

7. The 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 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



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that must be taken into consideration by this Court while exercising its jurisdiction under Section 482 of Cr.P.C, 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.

10. In view of the above, this Court is inclined to quash the First Information Report in Crime No.773 of 2025 on the file of first respondent, in exercise of its jurisdiction under Section 482 of Cr.P.C.

11. Accordingly, the First Information Report in Crime No.773 of 2025 on the file of first respondent, is quashed as against the petitioner and



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this Criminal Original Petition is disposed of on condition that the petitioner pays 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 one (1) week from the date of receipt of a copy of this order.

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.

16.02.2026
(1/2)

dsn

Neutral Citation: Yes/No

To

1. The Sub-Inspector Police,
Mangadu Police Station,
Avadi District.
2. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

dsn

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