



WEB COPY

CRL OP No. 34889 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-01-2026

CORAM

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

CRL OP No. 34889 of 2025

Raja

..Petitioner

Vs

1. The Inspector of Police
T-4, Madhuravoyal Police Station,
Madhuravoyal,
Chennai.
(Crime No. 198/2025)

2. Punitha
3. Ranjith Kannan

..Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records relating to the case in C.C.No. 167 of 2025 pending trial on the file of Judicial Magistrate Court No.II, Poonamallee, and quash the same.

For Petitioner : Mr.Thiyagarajan B

For Respondent(s): Mr.K.M.D.Muhilan,
Additional Public Prosecutor For R1
Mr.D.R.Ashokkumar For R2

ORDER

The present Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No. 167 of 2025 on the file of the Judicial Magistrate



Court No.II, Poonamallee, on the basis of the compromise arrived at between the petitioner and the *de facto* complainant/second respondent along with third 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.198 of 2025 was registered on the file of the first respondent Police against the petitioner, for the offences under Sections 296 (b), 115(2), 232(1) and 351(2) of BNS r/w. Section 4 of the Tamil Nadu Prohibition Harassment of Women Act, 2002. After completion of investigation, a charge sheet was filed and taken cognizance of as aforesaid.

4. Learned counsel appearing for the petitioner as well as for the *de facto* complainant submitted that there was a consensual relationship between the petitioner and the *de facto* complainant and later on, due to misunderstanding and frustration, the *de facto* complainant given a false complaint, based on which the respondent police have registered a case and they have filed a final report. Now, the parties have 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 along with her cousin, the third respondent, appeared before this Court and were identified by their respective counsel as well as by Ms.N.Priyadarshini, WPC 57061, W-33, Virugambakkam All Women Police Station, Chennai.

6. On being enquired by this Court, the *de facto* complainant and her cousin, stated that they have amicably settled the dispute with the petitioner and the *de facto* complainant 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 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 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 C.C.No.167 of 2025 on the file of the Judicial Magistrate Court No.II, Poonamallee, 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 C.C.No.167 of 2025 pending on the file of the Judicial Magistrate Court No.II, Poonamallee, is quashed as against the petitioner.



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

02-01-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
SRM

To

1. The Judicial Magistrate No.II,
Poonamallee.
2. The Inspector of Police,
T-4, Madhuravoyal Police Station,
Madhuravoyal,
Chennai.
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

SRM

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