



Crl.O.P.No.35131 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2026

CORAM:

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

Crl.O.P.No.35131 of 2025

1. Dhanasekar
2. Harikrishnan

... Petitioners

Vs.

- 1.The State represented by
Assistant Commissioner of Police,
T-16, Semmencherry Police Station,
Chennai.
(Crime No.134 of 2023)

2. Jerina Begum

... 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 relating to the case in C.C.No. 105 of 2025 is pending trial before the District Munsif-cum-Judicial Magistrate, Sholinganallur and quash against the petitioners only.

For Petitioners	: Mr.K.S.Arumugam
For R1	: Mr.K.M.D.Muhilan Additional Public Prosecutor
For R2	: Mr.Colonel Ganesan for M/s.Colonel Ganesan Associates



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ORDER

This Criminal Original Petition has been filed to call for the records relating to the case in C.C.No. 105 of 2025 is pending trial before the District Munsif-cum-Judicial Magistrate, Sholinganallur and to quash the same.

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.99 of 2023 was registered on the file of the 1st respondent/ Police against the petitioners and on completion of investigation, a final report was filed before District Munsif-cum-Judicial Magistrate Court at Sholinganallur for the offences under Sections 120(b), 148, 294(b), 427, 380, 506(i) of IPC r/w. 4 of TNPHW Act, r/w. 4 of TNOPDA Act, and the same was taken on file in C.C.No.105 of 2025.

4. Learned counsel appearing for the petitioners as well as for the *de facto* complainant/R2 submitted that 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



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to that effect have also been filed.

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5. At this juncture, learned counsel appearing for the petitioners submitted that the second petitioner was hospitalized and he was unable to appear before this Court.

6. The first petitioner and the *de facto* complainant/R2 appeared before this Court and were identified by their respective counsels and M/s.J.Bright Jaba Vino SSI, T-16 Semmencherry Police Station.

7. On being enquired by this Court, the *de facto* complainant stated that she has amicably settled the dispute with the petitioners and she is not willing to pursue the criminal proceedings and therefore, seeks to quash the same.

8. 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.



9. 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, 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.

10. 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.



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11. In view of the above, this Court is inclined to quash the impugned proceedings in C.C.No. 105 of 2025 is pending trial before the District Munsif-cum-Judicial Magistrate, Sholinganallur, in exercise of its jurisdiction under Section 482 of Cr.P.C.

12. Accordingly, C.C.No. 105 of 2025 is pending trial before the District Munsif-cum-Judicial Magistrate, Sholinganallur, is quashed as against the petitioners and this Criminal Original Petition is disposed of on condition that the petitioners jointly pay a sum of Rs.10,000/- (Rupees Ten 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 petitioners and the second respondent for compromising the offences shall form part of the records.

16.02.2026

dsn

Neutral Citation: Yes/No



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A.D.JAGADISH CHANDIRA, J.

dsn

To

1. Assistant Commissioner of Police,
T-16, Semmencherry Police Station,
Chennai.
2. The Public Prosecutor,
High Court of Madras.

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