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Cr.O.P.No.35202 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2026

CORAM:

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

Cr.O.P.No.35202 of 2025

M.V.Bibin Mahesh

... Petitioner

Vs.

1.The State rep by
The Inspector of Police
W-36, Puzhal All Women Police Station,
Chennai.
Crime No.28 of 2025.

2.R. Lekha

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to call for the entire records connected with the FIR in Crime No.28 of 2025, on the file of the 1st respondent police herein and quash the same.

For Petitioner	: Mr.K.Kannan
For R1	: Mr.S.Santhosh Government Advocate (Criminal Side)
For R2	: Ms.R.Lekha, Advocate Party-in-person



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ORDER

The present Criminal Original Petition has been filed seeking to quash the proceedings in Crime No.28 of 2025, on the file of the 1st respondent police, on the basis of the compromise arrived at between the petitioner and the *de facto* complainant/second 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.28 of 2025 was registered on the file of the first respondent Police against the petitioner, for the offences under Sections 78, 79 & 296(b) of the BNS, 2023 and Section 4 of the TN Prohibition of Harassment of Women Act, 2002 and Section 67 of the I.T.Act, 2000.

4. The learned counsel for the petitioner would submit that now, the petitioner and the *de facto* complainant have amicably settled the dispute between themselves and a Joint Memo of Compromise has also been filed to that effect.



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5. At this juncture, the learned Government Advocate (Crl. Side) appearing on behalf of the first respondent police submitted that the investigation in this case has already been completed and final report has also been filed vide CTN.20230000085C202500064 before the Judicial Magistrate, Madhavaram.

6. The petitioner and the de facto complainant/second respondent were present before this Court at the time of hearing and this Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves and the de facto complainant has no objection in quashing the FIR against the petitioner.

7. 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./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



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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.

8. In the present case, the offences in question are purely individual/personal in nature. It involves dispute between the petitioner and the de facto complainant 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.

9. In view of the above, this Court is inclined to quash the criminal proceedings against the petitioner in exercise of its jurisdiction under Section 482 of Cr.P.C./528 BNSS.

10. Accordingly, this Criminal Original Petition is allowed and the First Information Report registered against the petitioner in Crime No.28 of 2025 dated 01.10.2025, on the file of the first respondent Police, is quashed and consequently, the further proceedings in respect of Crime No.28 of 2025 including the final report filed in CTN.20230000085C202500064 before the Judicial Magistrate, Madhavaram, is also quashed.



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11. The Joint Memo of Compromise dated 17.12.2025, signed by both the parties for compromising the offences, shall form part of the records.

06.01.2026

rpl

Neutral Citation: Yes/No

To

1. The Judicial Magistrate, Madhavaram
2. The Inspector of Police
W-36, Puzhal All Women Police Station,
Chennai.
3. The Public Prosecutor, High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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