



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-01-2026

CORAM

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

CRL OP Nos. 595 and 675 of 2026

and

Crl.M.P.Nos.320 and 371 of 2026

CRL OP No. 595 of 2026

1. Liyas Tamilarasan
2. Elumalai
3. Malarkodi
4. Nancy

.. Petitioners

Vs

1. The State rep by
The Assistant Commissioner of Police,
Selaiyur All Women Police Station,
Pallikaranai Police District,
Tambaram.
(Crime No.02 of 2025.)

2. Sharlin

.. Respondents

CRL OP No. 675 of 2026

1. Liyas Tamilarasan
2. Elumalai
3. Malarkodi
4. Nancy

.. Petitioners

Vs



1. The State rep by
The Assistant Commissioner of Police,
Selaiyur All Women Police Station,
Pallikaranai Police District,
Tambaram.
(Crime No.03 of 2025.)

2. Kakani Nikhitha

.. Respondents

Common Prayer: Criminal Original Petitions are filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records pending against the petitioner in P.R.C.Nos.34 and 33 of 2025 on the file of the learned Judicial Magistrate No.II, Tambaram and quash the same and pass such other or further orders as this Hon'ble Court.

In both cases:

For Petitioners	:	Mr.S.Ganeshkumar
For Respondent-1	:	Mr.S.Santhosh Government Advocate (Criminal Side)
For Respondent-2	:	Mr.D.Mahendiran

COMMON ORDER

The present Criminal Original Petitions have been filed to quash PRC Nos.34 and 33 of 2025 respectively, on the file of the learned Judicial Magistrate No.II, Tambaram.

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



3. Learned counsel appearing for the petitioners submitted that admittedly, there was a consensual relationship between the first petitioner and the *de facto* complainants. Subsequently, on account of misunderstanding due to financial dispute, the second respondents have given complaints, based on which, the first respondent police registered First Information Reports in Crime No.2 of 2025 for the alleged offences under Sections 376, 417, 420, 406 and 294(b) of IPC and Crime No. 3 of 2024 for the alleged offences under Sections 376, 420 and 406 of IPC and subsequently, filed final reports in PRC Nos.34 and 33 of 2025 respectively, implicating the parents and sister of the first petitioner.

4. Learned counsel appearing for the petitioners and the *de facto* complainants submitted that on the advice of elders, the issue has been settled amicably and affidavits and Joint Memo of Compromise to that effect have also been filed and hence, the impugned final reports in PRC Nos.34 and 33 of 2025 may be quashed.

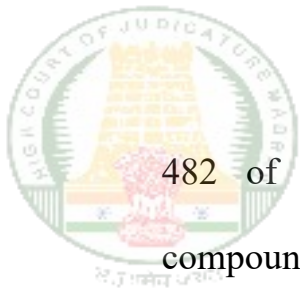
5. The petitioners and the *de facto* complainants appeared before this Court and they were identified by their respective counsel as well as by Ms.N.Kalaimagal, Sub Inspector of Police, W-5 Selaiyur All Women Police Station, Tambaram City, Chennai.



6. On being enquired by this Court, the petitioners and the *de facto* complainants stated that they have amicably settled the dispute between them and they are not willing to pursue the criminal proceedings pending against each other and therefore, seek to quash the same.

7. Learned Government Advocate (Criminal Side) 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. He also relied on the decision of the Hon'ble Supreme Court in the case of ***Madhukar vs. State of Maharashtra*** reported in ***2025 LiveLaw (SC) 710*** for the proposition that the offence under Section 376 IPC is a serious and non-compoundable one and cannot be quashed based on a settlement or payment of monetary compensation unless in exceptional circumstances.

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 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. (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. Further, in the case of *Madhukar supra*, though it is held that offence under Section 376 of IPC is a serious and non-compoundable one and cannot be quashed based on a settlement or monetary compensation, in the very same judgment, it is also held that criminal proceedings related to rape offence can be quashed based on the settlement between the parties in exceptional circumstances.

9. In the present cases, the offences in question are purely individual/personal in nature. It involves dispute between the petitioners and the *de facto* complainants 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 and also there are exceptional circumstances in these cases. In view of the above, this Court is inclined to quash the final reports in PRC Nos.34 and 33 of 2025 pending on the file of the learned Judicial Magistrate No.II, Tambaram, in exercise of its jurisdiction under Section 482 Cr.P.C./Section 528 BNSS.



10. Accordingly, these Criminal Original Petitions stand disposed of and the final reports in PRC Nos.34 and 33 of 2025 pending on the file of the learned Judicial Magistrate No.II, Tambaram, are quashed as against the petitioners, on condition that the petitioners shall pay a sum of Rs.20,000/- (Rupees Twenty Thousand only) in each case as costs to the Tamil Nadu Advocates' Clerks Association, New Additional Law Chambers Basement, High Court Campus, Chennai - 600 104, within a period of two (2) weeks from the date of receipt of a copy of this order. Consequently, connected criminal miscellaneous petitions are closed.

11. The affidavits and the Joint Memo of Compromise filed by the petitioners and the *de facto* complainants for compromising the offences shall form part of the records.

19-01-2026

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

SRM



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CRL OP Nos. 595 and 675 of 2



To

1. The Judicial Magistrate No.II,
Tambaram, Chennai.
2. The Assistant Commissioner of Police,
Selaiyur All Women Police Station,
Pallikaranai Police District,
Tambaram.
3. The Public Prosecutor,
High Court of Madras.



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CRL OP Nos. 595 and 675 of 2



A.D.JAGADISH CHANDIRA, J.

SRM

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