



CRL.O.P.No.8789 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 10.04.2026

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.8789 of 2026 and
CrI.M.P.No.6222 of 2026

1.G.Shankar
2.S.Sabarish
3.M.Akash
4.R.Preethi

... Petitioners

vs.

1.The State represented by
The Sub-Inspector of Police,
D2, Anna Salai Police Station,
Triplicane, Chennai-600005.
(Ref. Crime No.42/2026 dated 27.03.2026).

2.Esther

... Respondent

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for records and quash the investigation in Crime No.42/2026 pending on the file of the respondent Police for offences under Sections 127(2), 74, 296(b), 115(2), 118(1), 351 BNS and Section 4 of Tamil Nadu Prohibition of Harassment of Women (Amendment) Act, 2002.



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For Petitioner : Mr.C.Manishankar, Senior Counsel for
Mr.S.Gopinath

For R1 : Mr.Leonard Arul Joseph Selvam,
Additional Public Prosecutor

For R2 : Mr.T.Dilli Babu

ORDER

The petitioners/A1 to A4 in Crime No.42 of 2026 for offence under Sections 127(2), 74, 296(b), 115(2), 118(1), 351(3) BNS and Section 4 of Tamil Nadu Prohibition of Harassment of Women (Amendment) Act, 2002 on the file of the 1st respondent Police, have filed this Quash Petition.

2.Gist of the case is that on 27.03.2026, the 2nd respondent lodged a complaint to the 1st respondent Police stating that she is a Dancer who used to dance during festivals and in public functions charging Rs.3,000/- for each programme. Since the income was not sufficient, the 2nd respondent also performed in pubs and hotels. Twenty-five days prior to the occurrence, the 2nd respondent along with her friends/co-dancers viz., Rajeswari and Asha, after their performance at Ramada Hotel, Guindy



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when they were leaving the place, the petitioners 1 and 2 approached them and enquired the fees they charged for their dance performance and they offered Rs.5,000/- for their dance performance, the 2nd respondent and her friends agreed. The next day, all three went to the house of the 1st petitioner in Egmore, where each of them received Rs.1,00,000/- in advance on the condition that they will dance whenever called upon. Since the 2nd respondent and her friends were busy with their earlier commitments, they were unable to attend the phone calls of the 1st petitioner. On 26.03.2026 at 11.00 a.m. the 1st petitioner called the 2nd respondent and her friends to come Hotel Big Palace Room No.202 and sent the location. All the three at about 09.15 p.m. went to Room No.202, at that time, all the petitioners were in the room questioned 2nd respondent and her friends, why even after getting the money, not attended the phone call for dance performance. They informed that due to work pressure, they were unable to attend the call. At that time, by using threatening and abusive words, the 2nd respondent and her friends were beaten and kicked. The 1st petitioner using silver kada punched them and pushed and dashed against the wall. The petitioners 2 and 3 pushed them down and kicked. The 4th petitioner warned them to attend the phone calls and perform the



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dance henceforth, further two of them confined were confined in the room No.202 and let out Asha alone. Later the 2nd respondent and her friend Rajeshwari escaped from the hotel and lodged a complaint to the 1st respondent Police. On the complaint of the 2nd respondent, an FIR in Crime No.42 of 2026 for offence under Sections 127(2), 74, 296(b), 115(2), 118(1), 351(3) BNS and Section 4 of Tamil Nadu Prohibition of Harassment of Women (Amendment) Act, 2002 registered against the petitioners.

3.Learned Senior Counsel appearing for the petitioners submitted that the 2nd respondent and her friends lodged a false complaint with the 1st respondent Police to wriggle out from their committent after receipt of Rs.1,00,000/- each, they all started avoiding the phone calls. The 1st petitioner called the 2nd respondent and her friends to Hotel Big Palace to question and warn them in future to attend the phone calls and perform their dance. To somehow wriggle out of the situation and to cheat the petitioners, they lodged a false complaint. The 1st respondent Police not conducted proper enquiry to ascertain the true facts, but arrested the petitioners 1 to 3 and remanded to judicial custody. On the merits of the



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case, the learned Senior Counsel submitted that on going through the complaint as a whole, it is seen that no case made out for wrongful confinement, assault or obscene acts in public and further though the victim stated that they were assaulted and sustained injuries, no medical records produced. The admitted case is that the incident took place within four wall in a private room, not in a public place. Hence, the complaint is superfluous.

4.He further submitted that the 2nd respondent and her friends all realized that the complaint was magnified and exaggerated, a joint compromise memo executed and the Jailor has attested the joint compromise memo. Hence, the petitioners filed this quash petition along with compromise affidavit. He further submitted that the learned Principal Sessions Judge, Chennai granted bail in CrI.M.P.No.3215 of 2026 on 07.04.2026 and one of the condition is that the petitioners 1 to 3 to appear before the 1st respondent Police daily at 10.00 a.m. until further order. Further the three articles seized by the 1st respondent Police viz., silver kada of the 2nd petitioner, Iphone 16 Pro gold colour and Samsung Z flip black phone of the 1st petitioner to be handed back to them. In

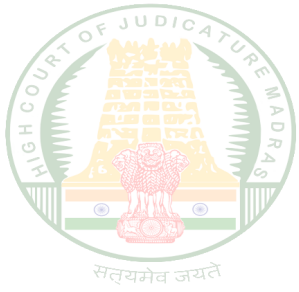


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view of the above, the FIR to be quashed against the petitioners.

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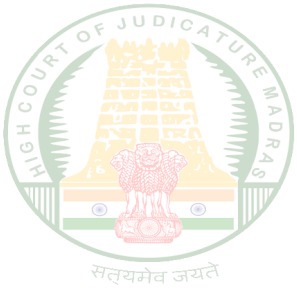
5.Learned Additional Public Prosecutor appearing for the 1st respondent Police submitted that in this case there are three victims viz., the 2nd respondent and her friends, Rajeswari and Asha who are all dancers. The 2nd respondent and her friends used to perform at festivals and public functions charging Rs.3,000/- for each programme and also in hotel and pubs. The petitioners paid them Rs.1,00,000/- each and called them for dance, but later for some reason, they could not attend the 1st petitioner's call. The petitioners called all the three dancers to the 1st petitioner's hotel, confined them in room No.202 and beaten them badly. The 2nd respondent escaped from the hotel and lodged a complaint. On enquiry, the complaint found to be true, a case registered and the petitioners arrested and the 4th petitioner absconded. At this stage, the 2nd respondent and her friends informed the 1st respondent Police that they are not willing and ready to withdraw the complaint and not to further pursue with the complaint and produced the joint compromise memo and affidavits.



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6.Considering the submissions and on perusal of the materials, it is

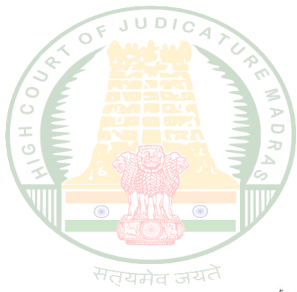
not in dispute that the 2nd respondent and her two friends are victims in this case. All three are dancers who perform at temple festivals and public functions charging Rs.3,000/- for each programme. Since the income was not sufficient, they also dance in pubs and hotels. On the offer of the 1st petitioner, the 2nd respondent and her friends agreed to Rs.5,000/- for the performance and received Rs.1,00,000/- each in advance twenty five days prior to the complaint. After receiving the amount, the 2nd respondent and her friends not answered the phone calls of the petitioners and not performed any dance as agreed upon. The 1st petitioner called them and enquired, at that time, the other petitioners were also present. The alleged assault taken place during this time. On the factual aspect, the complaint appears to be exaggerated and magnified. The 1st respondent Police immediately arrested the petitioners 1 to 3 without following the procedure as per Section 35 of BNSS. In any event, now the petitioners 1 to 3 arrested, remanded and come out on bail.



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7.The 2nd respondent and her friends coming to reality filed separate affidavits. They also signed in the joint compromise memo attested by the Jailor since the petitioners 1 to 3 were in jail at that time. On appearance of the 2nd respondent and her two friends, this Court had an interaction with them, all three confirmed the affidavits and the joint compromise memo and reiterated that they are not willing to proceed with the case and further to agreed to withdraw the complaint. Scanned reproduction of the joint compromise memo is as follows:



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IN THE HONOURABLE HIGH COURT OF JUDICATURE AT MADRAS

Crl.O.P.No: 8789 /2026

Against

Crime No: 42/2026

(On the file of the D2, Annasalai Police Station, Triplicane)

BETWEEN

1. G. Shankar aged 40 years,
S/o Mr. Ganesan,
No: F - 115, DLF Commonder Court,
Ethiraj Road, Egmore,
Chennai - 600 008.
2. S. Sabarish aged 27 years,
S/o Mr. Sekar,
No: 7/5, F3 Arun Manor Apartments,
Alandur, Chennai - 600 016.
3. M. Akash aged 29 years,
S/o Mr. Maari,
No: 166, Krishna Nagar,
Maduravoyal, Chennai - 600 093.
4. R. Preethi aged 35 years,
D/o Mr. Rajendrakumar,
No: 42, Postal Audit Colony,
2nd Street, Saligramam,
Chennai - 600 093.

...Petitioners/Accused 1-4

(Hereinafter collectively referred to as the "Parties of 1st Part")

AND

1. Esther aged 32 years,
W/o Mr. Angaiya, **TAILOR**
No: 24, Kamaraj Nagar, **CENTRAL PRISON - II**
Ambattur, Chennai - 600 053.

...1st Respondent/De-Facto Complainant

2. R. Rajeshwari aged 22 years,
D/o Mr. Ravi Kumar,
No: 51, Narmatha Street, Suriya Nagar,
Minjur, Chennai - 601 203.

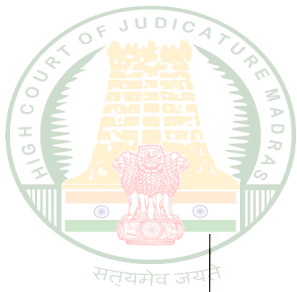
...2nd Respondent

(Hereinafter collectively referred to as the "Parties of 2nd Part")

1. G. Esther

2. R. Rajeshwari

3. K. Jayashree



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JOINT COMPROMISE MEMO

The Petitioners/Parties of 1st Part and the Respondents/De-Facto Complainant/Parties of 2nd Part most humbly submits as follows:

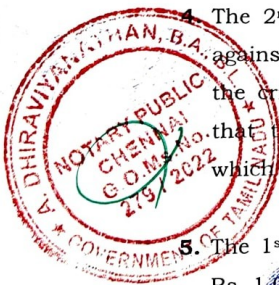
1. On 27.03.2026, the parties of 2nd Part/De-Facto Complainant (Esther) preferred a Complaint before the D2, Annasalai Police Station, Chennai, which was registered as Crime No: 42/2026 against the 1st Part for the alleged offences under Sections 127(2), 74, 296(b), 115(2), 118(1), 351(3) Bharatiya Nyaya Sanhita, 2023 and Section 4 Tamil Nadu Prohibition of Harassment of Women Act.

2. The alleged incident is stated to have occurred on 26.03.2026 at about 21:15 hrs in Room No. 202, Hotel Pink Palace, Woods Road, Egmore, Chennai.

3. Both parties have, with the intervention and good offices of well-wishers and family members, resolved to settle the entire dispute amicably and compromise the matter out of their own free will and volition, without any coercion, undue influence, threat or pressure from any side.

4. The 2nd Part states that they have no grievance whatsoever against the 1st Part and that they do not wish to proceed with the criminal case any further. The 2nd Part further confirms that the Complaint was given due to a misunderstanding which has now been fully resolved.

5. The 1st Part had, prior to the alleged incident, paid a sum of Rs. 1,00,000/- (Rupees One Lakh only) each to the 2nd Party as

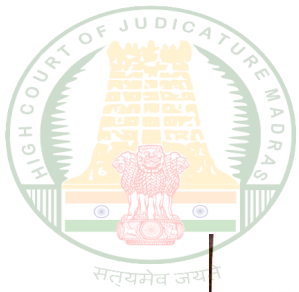


1. G. Rajeswarar

2. R. Rajeswarar

3. K. Jayaram

JAILOR
CENTRAL PRISON - II
PUZHAL, CHENNAI - 600 066



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advance payment. The 2nd Part hereby agrees that the said amount already received shall be adjusted and treated as full and final compensation towards any mental agony, loss of earnings and all other claims arising out of the incident.

6. The parties of 2nd part are not interested in proceeding further. It is mutually agreed between the parties that there shall be no future claims of any nature whatsoever (civil, criminal or monetary) by either party against the other in respect of the above incident or any matter connected therewith.

7. As such the parties of 2nd part is withdrawing the complaint as well as not willing to give any evidence against the party of the first part.

8. The parties of 1st Part hereby undertakes that they will not contact or attempt to contact the 2nd Part or any of their family members/associates in any manner whatsoever, either directly or indirectly, through phone calls, text messages, WhatsApp, email, social media platforms, or in person or through any agent or intermediary.



Likewise, the parties of 2nd Part hereby undertakes that they will not contact or attempt to contact the 1st Part or any of their family members/associates in any manner whatsoever, either directly or indirectly, through phone calls, text messages, WhatsApp, email, social media platforms, or in person or through any agent or intermediary.

1. G. S. Kumar

2. P. Rajeswarar

3. K. Jayaram

JAILOR
CENTRAL PRISON - II
#UZHAR, CHENNAI - 600 066



10. It is submitted that this compromise is entered into voluntarily and in the best interest of both parties.

Therefore, it is most humbly pray that this Honourable Court may be pleased to record this compromise, allow the compounding of the offence, quash the First Information Report in Cr. No: 42/2026 dated 27.03.2026 and all further proceedings arising therefrom, and close the matter in the interest of justice and to promote harmony between the parties.

1. yha 

1. = G. gaster.

2. *S. m. m.* 

2. P. Rajeswari

3. Alumina 

3. K. Jayaraman

4. x

PARTIES OF 1ST PART

PARTIES OF 2ND PART

S. G. Lms. 86/2018
COUNSEL FOR PETITIONERS

COUNSEL FOR RESPONDENTS

Enclosure:

1. Adhaar Card of 1st Part.
2. Adhaar Card of 2nd Part.



A. DHIRAVIYANATHAN
ADVOCATE AND NOTARY PUBLIC
 No. 3/2, Sai Illam,
 Subrmani Garden 1st Extension,
 Madhavaram Milk Colony,
 Chennai - 600 051.

JAILOR
CENTRAL PRISON - II
42HAL, CHENNAI - 600 066.

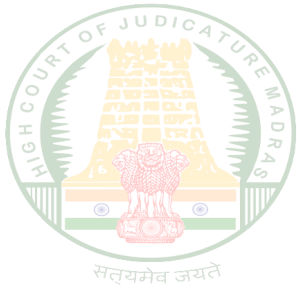


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8.Under such circumstances, no useful purpose will be served in keeping the First Information Report pending, even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in **2017 9 SCC 641- (Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath)**, and after exercising due caution as advised by the Hon'ble Supreme Court in **The State of Madhya Pradesh v. Dhruv Gurjar and Another** reported in **(2019) 2 MLJ CrI 10)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., is inclined to quash the FIR.

9.Accordingly, the FIR in Crime No.42 of 2026 dated 27.03.2026 on the file of the 1st respondent Police is hereby quashed against the petitioners. Consequently, the conditions imposed by the learned Principal Sessions Judge, Chennai in the order dated 07.04.2026 in CrI.M.P.No.3215 of 2026 stand cancelled. The 1st respondent Police is directed to return back the seized articles pursuant to the Crime No.42 of 2026 to the petitioners without fail. In the event of seized articles produced before the jurisdiction Court, then the jurisdiction Magistrate to return the articles to the petitioners.



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10.In the result, this Criminal Original Petition is allowed.

Consequently, connected Criminal Miscellaneous Petition is closed.

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Index: Yes/No

Speaking Order/Non-Speaking Order

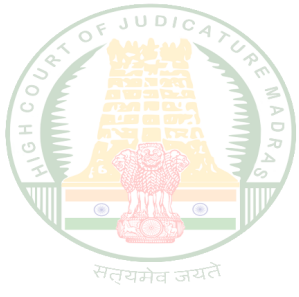
Neutral Citation: Yes/No

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To

1.The Sub-Inspector of Police,
D2, Anna Salai Police Station,
Triplicane, Chennai-600005.

2.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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10.04.2026