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CrI.O.P.No.12106 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2025

CORAM:

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.12106 of 2023 and
CrI.M.P.Nos.7347 and 7348 of 2023

1. Suresh Kumar
2. Mrs.S.Chandra
3. Mrs. Mohana devi

... Petitioners

Vs.

1. The State rep by
The Inspector of Police
District Crime Branch
Chengalpattu

2. V.Madhusudhanan

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of B.N.S.S. to call for the entire records in C.C.No.72 of 2023 on the file of the learned Judicial Magistrate-II, Chengalpattu and to quash the same.

For Petitioners : Mr.L.Infant Dinesh

For R1 : Mr.K.M.D. Muhilan
Additional Public Prosecutor

For R2 : Mr.M.Deivanandam for R2



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ORDER

At the outset, it is worth pointing out that this Criminal Original Petition has been filed seeking quashment of the case in C.C.No.72 of 2023 on the file of the learned Judicial Magistrate-II, Chengalpattu for the offence under section 420 IPC. However, the prayer has been worded to the effect that this petition is filed to quash C.C.No.72 of 2023 on the file of the 1st respondent police. This is the reason, the prayer has been modified in the cause title portion.

2. The learned counsel appearing for the de facto complainant submitted that the de facto complainant and his brother are partners in a company. The de facto complainant, Madhusudhanan, who is presently living in the United States of America has given an authorization letter, authorizing his brother, Mr.V.Manohar to settle the issue and compromise the matter and the matter is also compromised between the parties.

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



5. The petitioners and the person authorised by de facto complainant / 2nd respondent were present before this Court at the time of hearing and they were identified by the learned counsel for the petitioners and by Mr.M.Natarajan, SSI, DCB-I, Chengalpattu.

6. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

7. The learned Additional Public Prosecutor appearing on behalf of the first respondent police submitted that though the parties entered into a compromise while the investigation 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 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



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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 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 petitioners 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.

10. In view of the above, this Court is inclined to quash the case in C.C.No.72 of 2023 on the file of the Judicial Magistrate-II, Chengalpattu in exercise of its jurisdiction under Section 482 of Cr.P.C./528 BNSS.

11. Accordingly, this Criminal Original Petition is allowed and the C.C.No.72 of 2023 on the file of the learned Judicial Magistrate-II,



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Chengalpattu, is quashed subject to condition that the petitioners shall pay costs of Rs.15,000/- (Rupees Fifteen Thousand only) as costs to the Tamil Nadu State Legal Services Authority (TNSLSA), High Court Campus, Chennai 600 104 within a period of two weeks from the date of receipt of a copy of this order. The affidavit and the Joint Memo of Compromise filed by the petitioners and the second respondent for compromising the offences shall form part of the records.

25.11.2025

shl

Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No

To

1. The Judicial Magistrate-II,
Chengalpattu
2. The Inspector of Police
District Crime Branch
Chengalpattu
3. The Public Prosecutor
High Court of Madras, Chennai



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A.D.JAGADISH CHANDIRA J.

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