



Crl.O.P.Nos.16351, 16352 and 16385 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 06.11.2025**

CORAM:

**THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA**

**Crl.O.P.Nos.16351, 16352 and 16385 of 2025 and**  
**Crl.M.P.Nos.10244, 10245 and 10267 of 2025**

Vinodkumar ... Petitioner in Crl.OP.No.16351/2025

Kumar ... Petitioner in Crl.OP.No.16352/2025

Gokulraj ... Petitioner in Crl.OP.No.16385/2025

Vs.

1. The State represented by  
Inspector of Police (Law and Order)  
E2, Royapettah Police Station,  
Chennai – 600 014

2. Vijayakumari ... Respondents all Crl.OPs.

**COMMON PRAYER :** Criminal Original Petitions filed under Section 528 of B.N.S.S. to call for the records pertaining to proceedings in C.C.No.124 of 2025, on the file of the learned XVIII Metropolitan Magistrate, Saidapet in C.C.No.124 of 2025 and quash the same.



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**In all Crl.OPs.**

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For Petitioners : Mr.A.K.Sriram, Senior Counsel  
Assisted by Mr.A.Karthikeyan  
For 1<sup>st</sup> Respondent : Mr.K.M.D.Muhilan  
Additional Public Prosecutor  
For 2<sup>nd</sup> Respondent : Mr.Naveen Infant



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## **ORDER**

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These Criminal Original Petitions have been filed to quash the proceedings in C.C.No.124 of 2025, for the offences under Sections 304(A) IPC read with 7(3) of the Tamil Nadu Lift and Escalator Rules 1997, on the file of the learned XVIII Metropolitan Magistrate, Saidapet, on the ground of compromise.

2. The allegation in the final report is that the de facto complainant's elder son Abhishek who was working as a housekeeper in Hotel Savera, had died after getting struck in the lift door. Since the accident had occurred due to the negligence and improper maintenance, based on the complaint lodged by the 2<sup>nd</sup> respondent/de facto complainant, a case was registered against the petitioners who are the Chief Engineer, General Manager and Lift In-charge, respectively.

3. The learned Senior Counsel for the petitioners would submit that the incident is only accidental and now, the parties have compromised the matter and that the de facto complainant has no objection in quashing the



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criminal proceedings against the petitioners. He would further submit that a

Joint Memorandum of Compromise has also been filed to that effect.

4. The petitioners and the de facto complainant/2<sup>nd</sup> respondent, were present before this Court at the time of hearing and they were identified by their respective counsel and by Mr.Iyyappan, SSI, E2, Royapettah Police Station, Chennai.

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

6. The learned Government Advocate (Crl. Side) appearing on behalf of the respondent-Police submitted that though the parties entered into a compromise while this case 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.

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 petitioners. The Hon'ble

Supreme Court in the case of *Parbathbhai Aahir @ Parbathbhai Vs. State*



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*of Gujrat*, reported in **2017 9 SCC 641** and in case of *The State of Madhya*

**Pradesh Vs. Dhruv Gurjar and Another** reported in **(2019) 2 MLJ Crl 10**,

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 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 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.

9. In view of the above, this Court is inclined to quash the proceedings against the petitioners in C.C.No.124 of 2025, on the file of the

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learned XVIII Metropolitan Magistrate, Saidapet, in exercise of its

jurisdiction under Section 482 of Cr.P.C./528 BNSS.

10. Accordingly, these Criminal Original Petitions are allowed and the proceedings against the petitioners in C.C.No.124 of 2025, on the file of the learned XVIII Metropolitan Magistrate, Saidapet, is quashed subject to condition that the petitioners shall pay costs of Rs.10,000/- each (in total Rs.30,000/-), to the credit of Tamil Nadu State Legal Services Authority, Chennai on or before 09.12.2025.

11. Consequently, the connected Miscellaneous Petitions are closed. The Joint Memorandum of Compromise signed by the parties dated 05.11.2025, for compromising the offences shall form part of the records.

**12. Post the matter on 09.12.2025 “for reporting compliance.”**

**06.11.2025**

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Speaking/Non-speaking order

Neutral Citation: Yes/No

**Note: Issue Order Copy on 25.11.2025**

To

1. The XVIII Metropolitan Magistrate, Saidapet
2. The Inspector of Police (Law and Order)  
E2, Royapettah Police Station,  
Chennai – 600 014
3. The Public Prosecutor,  
High Court of Madras, Chennai



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**A.D.JAGADISH CHANDIRA J.**

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