



WEB COPY

CRL OP Nos.17595 of 2023 &
22939 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-08-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 17595 of 2023 & 22939 of 2025

and

Crl.M.P.Nos.11531 & 19554 of 2023

Crl.O.P.No.17595 of 2023

1. Tara Gulecha
2. Jinesh Kochar
3. Jayash Kochar
4. Rooprekha
5. Deepak Kochar

Petitioner(s)

Vs

1. State Rep by,
The Inspector of Police,
CCB No.I, Chennai.

- 2.Shankar Babu,
S/o . Krishnamurthy,
Director of M/s. Idea Housing Corporation Pvt Ltd,
First Floor, No. 6/16, Bagavadas Street,
West Tambaram, Chennai - 600045.

Respondent(s)



Crl.O.P.No.22939 of 2025

Alok Kumar Gulechha,
s/o. Mool Raj Jain,
Partner of M/s .Anmol Housing Corporation,
No.2/3, Vedhantha Desikar Street, Palathope,
Mylapore, Chennai - 600004.

Petitioner(s)

Vs

1. State Rep by,
The Inspector of Police,
CCB No.I, Chennai.
- 2.Shankar Babu,
S/o . Krishnamurthy,
Director of M/s. Idea Housing
Corporation Pvt Ltd, First Floor,
No. 6/16, Bagavadas Street,
West Tambaram, Chennai - 600045.

Respondent(s)

PRAYER in both Crl.O.Ps.

Both the Criminal Original Petitions have been filed to Call for the records and Quash the proceedings in Crime No. 68 of 2023 on the file of the 1st Respondent .

For Petitioner(s): Mr. M.Mohamed Riyaz
in both Crl.O.Ps

For Respondent(s): Mr. K.M.D.Muhilan ,
in both Crl.O.Ps Additional Public Prosecutor,
for R1



COMMON ORDER

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Both the Criminal Original Petitions have been filed to quash the Crime No.68 of 2023 pending on the file of the first respondent for the offence under sections 120(b), 406 and 420 of IPC.

2. The complaint has been lodged by the second respondent. The crux of the allegation is that the petitioners have deliberately failed to refund a sum of Rs.6,59,57,000/- as directed under the Arbitration .

3. The petitioners and the de-facto complainant/R2 appeared before this Court and they were identified by their respective counsel .

4. The defacto complainant himself appeared before this Court and stated before this Court that during the pendency of the above proceedings, all the disputes and differences between him and petitioners have been amicably settled and hence, he does not want to proceed with the criminal proceedings.

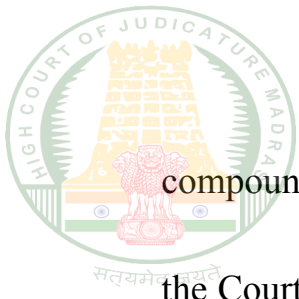


He has also filed a Joint Memo of Compromise entered between himself and the petitioners to that effect.

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5. The learned Additional Public Prosecutor appearing on behalf of the first respondent 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.

6. The main issue that requires for 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 Gujrath*, 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 528 of 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 it gets settled between the parties, cannot be

quashed by this Court.

7. In the present case, the offences in question are purely individual/personal in nature. It involves the money dispute between the petitioners and the second respondent 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. In view of the above, this Court is inclined to quash the First Information Report registered in Crime No.68 of 2023 pending on the file of the first respondent in exercise of its jurisdiction under Section 528 of BNSS.



8. Accordingly, both the Criminal Original Petitions are allowed and the

First Information Report registered in Crime No.68 of 2023 pending on the file

of the first respondent, is quashed. The Joint Memo of Compromise filed by the

petitioners and the second respondent for compromising the offences shall form

part of the records. Consequently, connected miscellaneous petitions are

closed.

28-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

mrp

To

1.State Rep by, The Inspector of Police,
CCB No.I, Chennai.



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N.SATHISH KUMAR J.

mrp

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