



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-09-2025

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THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 22150 of 2025 & CrI.M.P.No.15175 of 2025

1. Mr.M.H.Ershad Ahmed
S/o.Mr.Mohammed haneefan, No.32,
Jalan Chemur, 50400, Kuala Lumpur,
Wilayah Persekutuan

Petitioner(s)

Vs

1. State rep by the Inspector of Police
Central Crime Branch, Tambaram
Commissionerate, Chennai Cr.No.54 of
2022

2.Madan Mohan
S/o.Mr.C.Balakrishnan, No.29, 3rd
South Avenue, NRI Layout, Panaiyur,
chennai-603 119

Respondent(s)

PRAYER : Criminal Original Petition filed under section 528 of BNSS to call for the records in Cr.No.54 of 2022 pending on the file of the respondent police Inspector of Police, Central Crime Branch, Tambaram Commissionerate, Chennai and quash the same.



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CRL OP No. 22150 of 2025



For Petitioner(s): V.S. Senthilkumar

For Respondent(s): Mr.K.M.D.Muhilan
Additional Public Prosecutor – R1

A. Nagarajan – R2

ORDER

This Criminal Original Petition has been filed to quash the First Information Report registered in Crime No.54 of 2022 on the file of the first respondent.

2. The petitioner is arrayed as an accused in the case in Crime No.54 of 2022 on the file of the first respondent for the offences under sections 406 and 420 of IPC. The allegations against the accused is that he entered into an MOU dated 29.08.2018 and a loan of Rs.5 crores has been granted to him through bank transfer and thereafter, he failed to return the amount.

3. The petitioner along with the second respondent had filed a Memorandum of Compromise wherein it has been stated that the liability has



been accepted for a sum of Rs.2,50,00,000/- [Rupees two crores fifty lakhs only] out of which the second respondent had already received a sum of

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Rs.1,25,00,000/- [Rupees one crore twenty five lakhs only] and the petitioner agrees to pay the balance amount of Rs.1,25,00,000/- [Rupees one crore twenty five lakhs only] on or before 15.05.2025, followed by a Settlement and Discharge Deed dated 13.05.2025 was executed between the petitioner and the second respondent whereby all monetary and other claims against the petitioner had been fully and finally settled. The second respondent had also filed an affidavit to that effect.

4. The petitioner is present before this Court and he had been identified by his learned counsel and the defacto complainant is also present and he had been identified by his counsel and Mr.M.Duraimurugan, Sub Inspector, CCB/TCP, Team 6. This Court enquired the defacto complainant and he had stated that they had amicably settled the dispute between themselves and he is not willing to proceed with the the criminal proceedings and seeks to quash the same.



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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 the 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 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 CrI 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, 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



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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 offence in question are purely individual/personal in nature. It involves dispute between the petitioner and the defacto 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. In view of the above, this Court is inclined to quash the First Information Report registered in Crime No.54 of 2022 on the file of the first respondent in exercise of its jurisdiction under Section 482 of Cr.P.C..

8. Accordingly, this Criminal Original Petition is allowed and the First Information Report registered in Crime No.54 of 2022 on the file of the first respondent is quashed. The Memorandum of Compromise dated 12.03.2025 filed by the petitioner and the second respondent for compromising the offences



and the affidavit filed by the second respondent dated 30.09.2025 shall form part of the records. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

vrc

To

1. The Inspector of Police

Central Crime Branch, Tambaram

Commissionerate, Chennai Cr.No.54

of 2022



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N.SATHISH KUMAR J.

VRC

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