



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-08-2025

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CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 23068 of 2025

1. Bharath.J

S/o. Jaganathan M, 4/9, Vivekandha
Street, Ambal Nagar, Ekkattuthangal,
Guindy Industrial Estate, Chennai -
600032.

2. K.Rajendran

S/o. Kalamegam, No. 1/187-1-1-1,
Meenachi Amman Nagar, Surya Nagar
Extension, Pudur madurai North,
madurai- 625007.

3. K.Susila

W/o. S.Karuppiyah, No.1/16, Namanur,
Sivaganga - 630553.

Petitioner(s)

Vs

1. The state of TamilNadu Rep,
The Sub Inspector of Police,
District Crime Branch, Erode.

2.R.Kumar Ganesa Perumal, @ Ganesan



S/o. Ramachandran, B-23, Yamuna Homes,
3rd Floor, 4th Street,
Adyar, Chennai - 600020.

Respondent(s)

PRAYER

This Criminal Original Petition has been filed under Section 528 of BNSS to call for the records in FIR in Crime No. 2/2025 on the file of the 1st Respondent and quash the same in respect of the petitioners .

For Petitioner(s): Mr. P.G.Santhosh Kumar

For Respondent(s): Mr. K.M.D.Muhilan,
Addl. Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the Crime No.2 of 2025 pending on the file of the first respondent for the offences under sections 120B, 419, 420, 468, 471 and 351(2) of IPC.

2. The complaint has been given by the 2nd respondent/defacto complainant. The crux of the allegation is that the accused persons in conspiracy, had created fraudulent documents, including a bogus general power of attorney and forged the documents, which were used to register an agreement for sale.



3. The defacto complainant Mr. R. Kumar Ganesa Perumal @ Ganesan and the petitioners are present before this Court at the time of hearing. The defacto complainant stated before this Court that he has compromised the issue with the petitioners and he does not want to proceed with the criminal proceedings. He has also filed a Memorandum of Compromise entered between himself and the petitioners to that effect.

4. 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.

5. The allegation in the complaint is mainly with regard to civil dispute involving land transactions. The defacto complainant himself appeared before this Court and stated that he is not willing to proceed with the criminal proceedings.



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 civil in nature. It involves 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.2 of 2025 pending on the file of the first respondent in exercise of its jurisdiction under Section 528 of BNSS.

8. Accordingly, this Criminal Original Petition is allowed and the First Information Report registered in Crime No.2 of 2025 pending on the file of the first respondent, is quashed. The Memorandum of Compromise filed by the petitioners and the second respondent for compromising the offences shall form part of the records.

28-08-2025

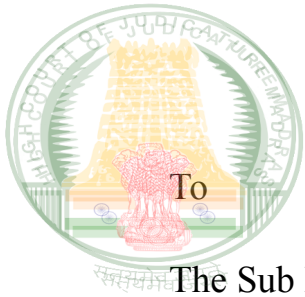
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

mrp



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To
The Sub Inspector of Police,
District Crime Branch, Erode. (In
Crime No. 2/2025)



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N.SATHISH KUMAR J.

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