



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-08-2025

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THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 23809 of 2025

1. Vikesh Kumar

2. Prasan Chand

3. Dinesh Kumar

Petitioner(s)

Vs

1. The State rep by its
The Inspector of Police
Elephant Gate Police Station,
Flower Bazaar, Chennai.

2.Sagar Zaveri

Respondent(s)

PRAYER

This Criminal Original Petition has been filed under Section 528 of BNSS to call for the records and quash the First Information Report in Crime No.220 of 2025 dated 26.04.2025 pending before on the file of the respondent police based on compromise and pass such further or other orders as this Honble Court.

For Petitioner(s): Krishnasamy Chinnasamy



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For Respondent(s): Mr.R.Vinothraja,
Govt. Advocate,
For R1

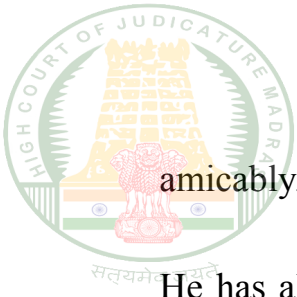
Mr. P.Pandeswaran,
for R2

ORDER

This Criminal Original Petition has been filed to quash the Crime No.220 of 2025 pending on the file of the first respondent for the offences under sections 316(5), 318(4) and 35(2) of BNS Act.

2. The complaint has been given by the 2nd respondent/defacto complainant. The crux of the allegation is that the petitioners conspired together and failed to return the unsold gold ornaments weighting 698.070 grams, valued at Rs.48,95,716 /- .

3. The defacto complainant Mr. Sagar Zaveri and the petitioners are present before this Court at the time of hearing. The defacto complainant stated before this Court that they are relatives and they have settled the matter



amicably. Hence, he does not want to proceed with the criminal proceedings.

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

4. The petitioners and the de-facto complainant/R2 appeared before this Court and they were identified by their respective counsel as well as by M/s.R. Dharmarasu, Sub Inspector of Police, C2 Elephant Gate Police Station, Chennai.

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



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7. 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 Gujra*th, 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.

8. 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

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proceedings. In view of the above, this Court is inclined to quash the First Information Report registered in Crime No.220 of 2025 pending on the file of the first respondent in exercise of its jurisdiction under Section 528 of BNSS.

9. Accordingly, this Criminal Original Petition is allowed and the First Information Report registered in Crime No.220 of 2025 pending on the file of the first respondent, is quashed. The Joint Compromise Memo filed by the petitioners and the second respondent for compromising the offences shall form part of the records.

29-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

mrp



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N.SATHISH KUMAR J.

mrp

To

The Inspector of Police
Elephant Gate Police Station, Flower
Bazaar, Chennai.

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