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CRL OP No. 25611 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-09-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 25611 of 2025

1.M.Vijay

2. Jamuna

3. Mohammed Nizhamudheen

4. Muruganandam

Petitioner(s)

Vs

1. The Inspector of Police
Poonamallee Police Station, Avadi
District.

2.KGT. Gowdhaman

Respondent(s)

PRAYER

Criminal Original Petition filed under Section 528 of BNSS Act to call for the records in connected with the FIR in Crime No. 630 of 2025 on the file of the 1st Respondent, and quash the same.

For Petitioner(s): Mr.Y.Kajanavas

For Respondent(s): Mr.R.Vinothraja
Government Advocate (Crl.Side)
Mr.S.Mahendran for R2



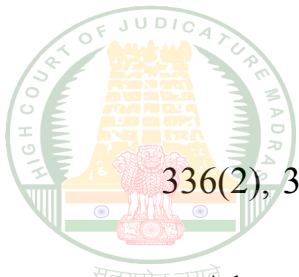
ORDER

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The Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.630 of 2025, pending on the file of the first respondent, on the basis of the compromise arrived at between the petitioners and the de facto complainant/second respondent.

2. Heard the learned counsel appearing for the petitioners, the learned counsel appearing for the second respondent and the learned Government Advocate (Criminal Side) appearing for the 1st respondent.

3. The 2nd respondent / defacto complainant entered into a sale agreement dated 10.07.2025 with the petitioners and paid a sum of Rs.25Lakhs as part sale consideration and thereafter, since there was some dispute in the property, the defacto complainant demanded to return back the said amount, since the same was refused by the petitioners, a complaint has been lodged and a case in Crime No.630 of 2025 was registered for the offences under Sections



336(2), 336(3), 338, 340(2), 318(2) of BNS. The petitioners herein are arrayed as A1 to A.4.

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4. The petitioners have stated that they have settled the dispute with the de facto complainant amicably and hence, seek to quash the First Information Report as against them. They have also filed a Joint Memo of Compromise executed between petitioners and the second respondent to that effect.

5. The petitioners and the de-facto complainant/R2 appeared before this Court and were identified by their respective counsel as well as by Mr.S.Kannan, Sub Inspector, T-12, Poonamallee Police Station.

6. On being enquired by this Court, the de facto complainant stated that he has amicably settled the dispute with the petitioners and he is not willing to pursue the the criminal proceedings and therefore, seeks to quash the same.

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



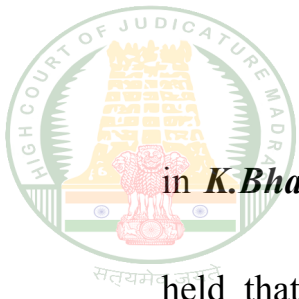
Court in the case of *Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath*,

reported in *2017 9 SCC 641* and in case of *The State of Madhya Pradesh Vs.*

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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, 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 individual/personal 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. Further, the Hon'ble Supreme Court



in *K.Bharthi Devi v. State of Telengana* reported in (2024) 10 SCC 384, has

held that the offences, which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions, where the wrong is basically to the victim, and the offender and the victim have settled all the disputes between them amicably, can be quashed by the High Court in exercise of its jurisdiction under Section 482 Cr.P.C.

9. In view of the above, this Criminal Original Petition is allowed. The First Information Report in Crime No.630 of 2025 pending on the file of the first respondent, is quashed as against the petitioners. The Memorandum of Compromise filed by the petitioners and the second respondent for compromising the offences shall form part of the record.

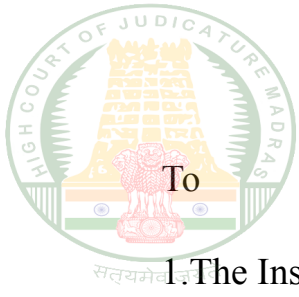
18-09-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

1. The Inspector of Police
Poonamallee Police Station, Avadi
District.

2. The Public Prosecutor
High Court, Madras



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CRL OP No. 25611 of 2



N.SATHISH KUMAR J.

ssd

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