



CrI.O.P.No.27804 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2025

CORAM:

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.27804 of 2025 and
CrI.M.P.No.18880 of 2025

1. P.Nallusamy
S/o.Palanisamy

2. Anbalagan
S/o.K.Subramani

... Petitioners

Vs.

1. State Rep. by
The Inspector of Police
City Crime Branch
Salem City

2. M.Velu
S/o. Muthu Gounder

... Respondents

PRAYER: Criminal Original Petitions filed under Section 528 of B.N.S.S. to call for the records in C.C.No.774 of 2023 on the file of the Chief Judicial Magistrate Court, Salem and quash the same.

For Petitioners : M/s.M.P.Bharathi

For Respondents : Mr. K.M.D.Muhilan

Additional Public Prosecutor for R1

Mr.R.Ezhilarasan for R2



ORDER

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This Criminal Original Petition has been filed to quash the final report filed against the petitioners in C.C.No.774 of 2023, for the offences under Sections 294(b), 420, 465, 468, 506(i) and 120B IPC, on the file of the Chief Judicial Magistrate Court, Salem on the ground of compromise.

2. The case of the prosecution is that the petitioners along with other accused, under the guise of selling property, cheated the de facto complainant to the tune of Rs.80,50,000/- by creating forged documents. Thereafter, when the same was questioned by the de facto complainant, the accused have abused the de facto complainant with filthy language and also threatened him with dire consequences.

3. The learned counsel for the petitioners submitted that the petitioners have been arrayed as A3 and A4 in C.C.No.774 of 2023, whereas, the transaction between the petitioners and the de facto complainant and the transaction between A1 & A2 and the de facto complainant are entirely different. He further submitted that pending trial, the petitioners have returned the advance amount received by them and that the parties have entered into a compromise between them. The de facto complainant/second respondent has no grievance as against the petitioners and to that effect, a Memo of Compromise Nil dated, October 2025, has also



been filed.

4. The petitioners and the de facto complainant were present before this Court at the time of hearing and they were identified by their respective counsel and by Mr.Sakthivel, SSI of Police, CCB, Salem City.

5. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6. The learned Government Advocate (Crl. Side) appearing on behalf of the respondent-Police 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.

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 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 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./528 BNSS, to quash non-compoundable offences. One very important test that



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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 de facto 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.

9. 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.

10. In view of the above, this Court is inclined to quash the proceedings against the petitioners alone in C.C.No.774 of 2023, on the file



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of the Chief Judicial Magistrate Court, Salem, in exercise of its jurisdiction
under Section 482 of Cr.P.C./528 BNSS.

11. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.774 of 2023, on the file of the Chief Judicial Magistrate Court, Salem, is quashed, as against the petitioners alone, subject to condition that the petitioners shall pay costs of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Tamil Nadu State Legal Services Authority, on or before 17.11.2025.

12. Consequently, the connected Miscellaneous Petition is closed. The Memo of Compromise, Nil dated, October 2025, filed by the parties for compromising the offences, shall form part of the records.

13. The trial Court shall continue the trial in respect of the other accused.

14. Post the matter on 17.11.2025 “for reporting compliance.”

24.10.2025

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Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No

Note: Issue Order Copy on 31.10.2025.

A.D.JAGADISH CHANDIRA J.

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To

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1. The Chief Judicial Magistrate Court,
Salem
2. The Inspector of Police
City Crime Branch
Salem City
3. The Public Prosecutor
High Court of Madras, Chennai

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