



WEB COPY

CRL OP No. 26917 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-10-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 26917 of 2025

A.Loganathan

Petitioner(s)

Vs

1. State rep by the Inspector of Police
East Zone Cyber Crime Police Station,
CCD-1, Chennai East, Chennai-21
Cr.No.18 of 2025

2.Rabbani Khan

Respondent(s)

PRAYER

Criminal Original Petition filed under Section 528 of BNSS Act to call for the entire records in FIR registered in Cr.No.18 of 2025 for the offences under section 318(4) IPC and section 66D Information Technology [Amendment] Act 2008, pending on the file of the 1st respondent police and quash the same.

For Petitioner(s): Mr.M.Govindaraju

For Respondent(s): Mr.R.Vinothraja for R1
Government Advocate (Crl.Side)
Mr.K.K.Santhosh for R2



ORDER

WEB COPY

The Criminal Original Petition has been filed seeking to quash the FIR No.18 of 2025 for offences under Section 318(4) of IPC and Section 66D of Information Technology (Amendment) Act, 2008 on the file of the 1st respondent.

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

3. The allegation levelled against the petitioner is that, the petitioner appears to have received the amount of Rs.9,40,000/- in his account from the account of the accused, who had promised to provide United States Dollar Tether, Rs.1 or Rs.1.50 less than the exchange price to the defacto complainant / 2nd respondent. As the amount has not been deposited, complaint has been lodged and FIR came to be filed as against the said accused. Since the said amount has been transferred from the account of the accused to the account of the petitioner, the petitioner has been implicated in this case.

4. The petitioner has stated that he has settled the dispute with the de



facto complainant amicably and deposited the entire amount in Crime No.18 of 2025 and hence seeks to quash the First Information Report as against him.

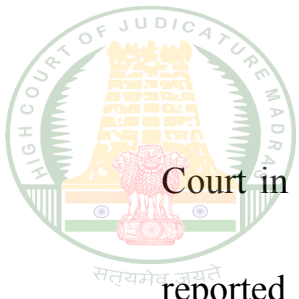
WEB COPY

Further, a Joint Memo of Compromise executed between petitioner and the second respondent was filed to that effect. Further, the entire amount has been deposited to the credit of Crime No.18 of 2025.

5. The petitioner and the de-facto complainant/R2 appeared before this Court and were identified by their respective counsel as well as by Ms.P.Vaitheeswari, Sub Inspector of Police, Cyber Crime Police Station, East Zone, Chetpet, Chennai – 31.

6. On being enquired by this Court, the de facto complainant stated that he has amicably settled the dispute with the petitioner and he is not willing to pursue the criminal proceedings and therefore, seeks to quash the same. Further, it is now stated that the entire amount has been deposited in Crime No.18 of 2025.

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 Gujarat***,

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, 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 petitioner 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



WEB COPY

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.18 of 2025 pending on the file of the first respondent, is quashed as against the petitioner. The Joint Memo of Compromise filed by the petitioner and the second respondent for compromising the offences shall form part of the record. The amount deposited in Crime No.18 of 2025 shall be returned to the defacto complainant/ 2nd respondent on proper application being filed by the defacto complainant.

07-10-2025

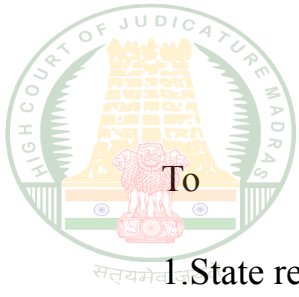
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

ssd



To

1. State rep by the Inspector of Police
East Zone Cyber Crime Police Station,
CCD-1, Chennai East, Chennai-21
Cr.No.18 of 2025

2. The Public Prosecutor,
High Court, Madras



WEB COPY

CRL OP No. 26917 of 2



N.SATHISH KUMAR J.

ssd

**CRL OP No. 26917 of
2025**

07-10-2025