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CRL OP No. 34756 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 19-12-2025**

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**THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA**

**CRL OP No. 34756 of 2025**

Santhosh @ Santhosh Kumar

Petitioner

Vs

1. The State rep.by,  
The Inspector of Police,  
P-2 Otteri Police Station,  
Chennai. Cr.No.341/2025.

2.Vignesh

Respondents

**Prayer:** Criminal Original Petition filed under Section 528 of BNSS to call for the records in connection with Crime No.341 of 2025 pending on the file of the Inspector of Police, Otteri Police Station, Chennai and to quash the same.

For Petitioner: Mr.S.Kartik

For R1: Mr.S.Santhosh  
Government Advocate(Crl.Side)

For R2: Mr.M.A.Sajjad

**ORDER**

This Criminal Original Petition has been filed to call for the records in Crime No.341 of 2025 for the alleged offences under sections 126(2), 296(b), 115(2), 311 and 351(3) of BNS, 2023, pending on the file of the respondent police and to quash the same.



2. The learned counsel for the petitioner submitted that the petitioner is an innocent person and that, due to a dispute with the local Councillor, he has been falsely implicated in the present case based on a complaint obtained from the second respondent/de facto complainant. He further submitted that the petitioner is an income tax assessee, paying approximately Rs.40,000/- per annum as income tax and he is a small time businessman running Travels business. Only due to the enmity with the Councillor, he has been falsely implicated in this case and no such incident as alleged by the prosecution had occurred at all.

3. He further submitted that subsequently, the petitioner came to know that the signature of the de facto complainant had been obtained by the respondent police in a blank paper based on which, a false complaint has been registered against him. The petitioner was arrested and was in judicial custody for seven days. He further submitted that the de facto complainant has since realised his mistake and has filed an affidavit stating that the police had merely obtained his signature on a blank paper and he was unaware of the contents of the alleged complaint.

4. The learned counsel appearing for the de facto complainant submitted



that the de facto complainant is running a scrap business and the respondent police has obtained his signature in a blank paper and filed a complaint. He further submitted that he is not aware of the contents of the alleged complaint. Later, when coming to know that the petitioner was arrested, he approached the petitioner and informed about the same, and thereafter, filed an affidavit before this Court stating that he has no grievance as against the petitioner and petitioner is not involved in the offence as alleged in the F.I.R.

5. The learned counsel for the petitioner and the de facto complainant submitted that now, the parties have filed a Joint Memo of Compromise.

6. The petitioner and the de facto complainant/ 2<sup>nd</sup> respondent were present before this Court at the time of hearing and they were identified by the learned counsel for the petitioner and by Mr.G.Kamaladasan, Sub-Inspector of Police, P2 Police Station, Otteri, North Chennai.

7. This Court also enquired both the parties and was satisfied that there is no quarrel at all between the petitioner and de facto complainant / 2<sup>nd</sup> respondent.

8. The learned Government Advocate (Crl.Side) appearing on behalf of



the first respondent police submitted that though the parties have entered into a compromise while the investigation is pending, this Court, taking into account the seriousness of the offences, has to consider the issue as to whether offences of this nature can be quashed on the ground of compromise between parties.

9. 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 petitioner. The Hon'ble Supreme Court, in the case of *Parbathbhai Aahir @ Parbathbhai Vs. State of Gujarat*, reported in (2017) 9 SCC 641, 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 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 they get settled between the parties, cannot be quashed by this Court.

10. In the present case, the offences in question are purely individual/personal in nature. It involves dispute between the petitioner 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.

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11. Taking into consideration, the submission made, this act of the Police is nothing but an abuse of process of law which is to be condemned. This Court highly deprecates the practice of the Police concerned.

12. In view of the above, this Court is inclined to quash the First Information Report registered against the petitioner in exercise of its jurisdiction under Section 482 of Cr.P.C./528 BNSS.

13. Accordingly, this Criminal Original Petition is allowed and the First Information Report registered against the petitioner in Crime No.341 of 2025, dated 19.03.2025, on the file of the first respondent Police, is quashed. The Joint Compromise Memo dated 11.12.2025, signed by the petitioner and the de facto complainant for compromising the offences, shall form part of the records.

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Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No



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**A.D.JAGADISH CHANDIRA J.**

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1.The Inspector of Police,  
P-2 Otteri Police Station,  
Chennai.

2. The Public Prosecutor  
High Court of Madras

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