



Crl.O.P.(MD)No.12690 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
WEB COPY

DATED : 08.08.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.12690 of 2025 and
Crl.MP(MD) No.9923 of 2025

1. Karthikeyan
2. Jeyakumar
3. Vijayapandiyan

... Petitioners

Vs

- 1.The State of Tamilnadu,
Rep by the Inspector of Police,
SS Colony Police Station (L & O)
Madurai City.
Crime No.371/2025.

- 2.Major Karthik

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to records relating to the impugned First Information Report in Crime No. 371 of 2025, on the file of the Inspector of Police, SS Colony Police Station and quash the same as illegal and arbitrary.



WEB COPY



Crl.O.P.(MD)No.12690 of 2025

For Petitioner	: Mr.A.Ananda Raj
For R1	: Mr.P.Kottaichamy
	Government Advocate(Crl.side)
For R2	: Mr.K.Manavalan

ORDER

The petitioners are accused in Crime No.371 of 2025, on the file of the first respondent police, for the offence under Sections 316(4), 351(2) of BNS & 43(h), 65 of IT Act, 2000. They have moved these petitions to quash the above proceedings pending against them, on the ground that the issue has been amicably settled with the defacto complainant.

2. The case has been registered for the offence 316(4), 351(2) of BNS & 43(h), 65 of IT Act, 2000, of which, some of the offences are not compoundable. However, the Hon'ble Supreme Court, in *Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath* [2017 9 SCC 641] and in *The State of Madhya Pradesh Vs. Dhruv Gurjar and Another* [(2019) 2 MLJ Crl 10], has given sufficient guidelines that must be taken into consideration by the Court while exercising its jurisdiction under Section 482 of Cr.P.C, to quash non-compoundable



Crl.O.P.(MD)No.12690 of 2025

WEB COPY

offences. One very important test that has been laid down is that the Court must necessarily examine whether the crime in question is purely individual in nature or a crime against the society with overriding public interest. It has been repeatedly cautioned that offences against the society with overriding public interest even if it gets settled between the parties, cannot be quashed by this Court.

3. Here, the prosecution case is that the the second respondent is a legal representative of a Company, namely, Bricksteel Enterprises Infotech Private Limited and the petitioners/accused are their staff. Initially, the petitioners were joined with the second respondent Company and learnt their techniques. Thereafter, they have stolen the valuable informations of the Company. Hence, the case.

4. Since the conflict is between the private individuals and not affecting the Society at large, this Court entertained this petition, ordered notice and also directed the investigation officer to ascertain as to whether the compromise arrived between the parties is a voluntary one, without any threat or coercion.



Crl.O.P.(MD)No.12690 of 2025

WEB COPY

5. The petitioners and the defacto complainant are present before this Court today. The defacto complainant states that under misconception, they have lodged a complaint as against the petitioners. Now the defacto complainant claims that the petitioners have not committed any offence and they have rectified the errors and ensure that the contract is completed in full. Therefore, the defacto complainant is not inclined to prosecute the case further. To that effect, they have also filed a joint compromise memo, dated 25.07.2025.

6. The investigation officer, after verification, has filed a report that the compromise arrived upon between the parties is genuine, without any threat or coercion.

7. This Court has verified the parties with their Aadhar Cards and also verified as to the present status. The parties have expressed their willingness to solve the issue.



Crl.O.P.(MD)No.12690 of 2025

WEB COPY

8. In the case on hand, the offences are purely individual / personal in nature and the conflict is between the private individuals and it is not affecting the Society at large. It involves the petitioners and the second respondent / defacto complainant. Quashing the case will not affect any overriding public interest. There is a case and counter case. The defacto complainant submitted that he does not want to prosecute the case any further. Under such circumstances, no useful purpose will be served in keeping the case pending, even though some of the offences involved are not compoundable in nature. On the other hand, keeping the proceedings pending will only swell the mental agony of the parties.

9. In view of the above position and following the guidelines issued by the Hon'ble Supreme Court in the cases referred supra, this Court is inclined to quash the proceedings, though certain offences are non-compoundable, in order to avoid further conflict between the parties.



Crl.O.P.(MD)No.12690 of 2025

WEB COPY

10. Accordingly, this Criminal Original Petition is allowed and the proceedings in Crime No.371 of 2025, on the file of the 1st Respondent Police is hereby quashed. The joint compromise memo 25.07.2025, signed by the parties, shall form part and parcel of this order. Consequently, connected Miscellaneous petition is closed.

11. Considering the manner, in which, the defacto complainant has used the respondent police for their business purpose to register a case, the defacto complainant is directed to pay a sum of Rs.25,000/- to the credit of the respondent police station and the amount to be deposited by the defacto complainant shall be utilized for the welfare activities of the concerned police station.

08.08.2025

NCC : Yes/No

Index : Yes/No

vrn

To

The Inspector of Police,
SS Colony Police Station (L & O)
Madurai City.

6/7



WEB COPY



Crl.O.P.(MD)No.12690 of 2025

B.PUGALENDHI,J

vrn

Order made in
Crl.OP(MD)No.12690 of 2025 and
Crl.MP(MD) No.9923 of 2025

08.08.2025