



WEB COPY

CRL OP No. 2061 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-02-2026

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

**CRL OP No. 2061 of 2026
and Crl.M.P.No.1342 of 2026**

M.Rajesh

..Petitioner(s)

Vs

1. The State represented by,
The Inspector of Police (Law and Order)
D2, Anna Salai Police station,
Chennai-600 002.
FIR No.348 of 2025.

2. R.Gajalakshmi

..Respondent(s)

Criminal Original Petition is filed under Section 528 of B.N.S.S., to call for the records relating to Crime No.348 of 2025 dated 23.09.2025 on the file of the first respondent and quash the same.

For Petitioner(s):

Mr.E.Om Prakash, Senior Counsel,
for Mr.Abishek Jenasenan

For Respondent(s):

Mr.S.Santhosh,
Government Advocate (Crl.Side) for R1

Mr.M.Jaisingh for
Mr.N.Vijayakumar for R2



ORDER

This Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.348 of 2025 on the file of the first respondent.

2. The case of the prosecution is that the petitioner is the Associate Vice President (South Zone) of PVR Inox Limited. PVR Inox Limited is a premium film exhibition company in India, having more than 1,700 screens across 113 cities in the country. While so, at PVR Inox Limited in PVR Escape, Express Avenue, Chennai, an unfortunate incident occurred on 23.09.2025, in which the husband of the de facto complainant, who was employed as a Technician, met with a fatal accident while operating a hydraulic forklift during a routine projector inspection. Based on the complaint lodged by the de facto complainant, the aforesaid case in Crime No.348 of 2025 has been registered for the offences punishable under Sections 106(1) and 289 of BNS.

3. The learned counsel appearing for the petitioner submitted that the petitioner was not present at the place of occurrence and that the de facto complainant is not an eyewitness to the incident. He further submitted that the incident did not occur due to any negligence or lapse on the part of the petitioner or the other employees of PVR Inox Limited, but was purely accidental in nature. He further contended that the de facto complainant has



entered into a Memorandum of Compromise with the petitioner's company and that a compensation of Rs.35,00,000/- has been paid to her. Accordingly, the de facto complainant has agreed to compound the matter. He also submitted that no vicarious liability can be fastened upon the petitioner or other employees and that no useful purpose would be served by keeping the First Information Report pending. Hence, the petitioner seeks quashment of the proceedings. In support of his contention, the learned counsel relied upon the judgment of the High Court of Delhi, in *Kishanapal Vs. State NCT of Delhi and others*, passed in *Crl.M.C.No.7352 of 2025*, dated 14.01.2026 and the relevant portion of the said order is extracted hereunder:

"6.The FIR concerns an allegation that the death was by negligence. Although the offence under [Section 106\(1\)](#) of BNS (corresponding to [Section 304A](#) of the Indian Penal Code, 1860) is non-compoundable, the Supreme Court has clearly held that, in certain circumstances, the High Courts, in exercise of their powers under Section 528 of BNSS (corresponding to [Section 482](#) of CrPC), can quash criminal proceedings, even with respect to non-compoundable offences, on the ground that there is a compromise between parties, especially when no overarching public interest is adversely affected.

7.The Supreme Court, in [Gian Singh v. State of Punjab & Anr.1](#) has held as follows:

"58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not



compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the court. In respect of serious offences like murder, rape, dacoity, etc., or other offences of mental depravity under [IPC](#) or offences of moral turpitude under special statutes, like the [Prevention of Corruption Act](#) or the offences committed by public servants while working in that capacity, the settlement between the offender and the victim can have no legal sanction at all. However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to the victim and the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being



convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard-and-fast category can be prescribed."

Further, in [Narinder Singh & Ors. v. State of Punjab & Anr.3](#), the Supreme Court has also laid down guidelines for High Courts while accepting settlement deeds between parties and quashing the proceedings. The relevant observations in [the said decision](#) read as under:

"29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

29.1. Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.



29.2. When the parties have reached the settlement and on that basis Emphasis supplied.

petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:

(i) ends of justice, or

(ii) to prevent abuse of the process of any court.

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

29.3. Such a power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for the offences alleged to have been committed under special statute like the [Prevention of Corruption Act](#) or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

29.4. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

29.5. While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused



to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases."

WEB COPY

4. The learned Government Advocate (Crl.Side) appearing for the first respondent submitted that though the parties have entered into a compromise during the pendency of the case, this Court, having regard to the seriousness and nature of the offences, has to consider whether offences of this nature can be quashed on the ground of compromise between the parties. He further submitted that the investigation has been completed and that the final report has been e-filed before the learned Metropolitan Magistrate No.II, Egmore, on 29.01.2026.

5. The learned counsel appearing for the second respondent / de facto complainant submitted that the de facto complainant was not present at the scene of occurrence and that she subsequently came to know that the incident was purely accidental in nature, in which, her husband unfortunately lost his life. He further submitted that the de facto complainant has entered into a Memorandum of Understanding with the petitioner and the petitioner's company and that a compensation of Rs.35,00,000/- has been paid to her. He also submitted that the out of the said amount of Rs.35,00,000/-, the de facto complainant has undertaken to deposit a sum of Rs.8,00,000/- each in the name



of her minor sons. He further contended that the de facto complainant has no objection to the First Information Report and the connected proceedings being quashed.

6. The petitioner and the *de facto* complainant/R2 appeared before this Court and were identified by their respective counsel as well as by Mrs.A.Usha, Sub Inspector, D2, Anna Salai Police station, Chennai-600 002.

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

8. 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. (corresponding to Section 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.

9. 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. In view of the above, this Court is inclined to quash the First Information Report in Crime No.348 of 2025 and the further proceedings pending on the file of the II Metropolitan Magistrate, Egmore, against the petitioner, in exercise of its jurisdiction under Section 482 Cr.P.C./Section 528 BNSS.

10. Accordingly, this Criminal Original Petition stands allowed and the First Information Report in Crime No.348 of 2025 and all further proceedings pending on the file of the II Metropolitan Magistrate, Egmore, are hereby quashed as against the petitioner and the other accused. Consequently, connected Miscellaneous Petition is closed.



11. The Memo of Compromises filed by the petitioner and the second respondent for compromising the offences shall form part of the records.

02-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

VKR

To

1.The II Metropolitan Magistrate, Egmore.

2.The Inspector of Police (Law and Order)
D2, Anna salai Police station,
Chennai-600 002.

3.The Public Prosecutor, High Court of Madras.



WEB COPY

CRL OP No. 2061 of 2



A.D.JAGADISH CHANDIRA, J.

VKR

CRL OP No. 2061 of 2026

02-02-2026