



Crl.O.P.No.3552 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2026

CORAM:

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

Crl.O.P.No.3552 of 2026

1. K.Sivakumar
  2. Aswini
- ...Petitioners

Vs.

1. The Inspector of Police,  
Madipakkam Police Station,  
St. Thomas Mount, Chennai.
  2. S.Nishanthi
- ...Respondents

Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to call for the records pertaining to the FIR in Cr.No.1231 of 2025 dated 16.12.2025 on the file of the 1<sup>st</sup> respondent police.

*(Prayer amended, vide order dated 18.02.2026 made in Crl.M.P.No.2954 of 2026 in Crl.O.P.No.3552 of 2026)*

For Petitioners : Mr.E.K.Kumaresan

For Respondents : Mr.K.M.D.Muhilan, APP, for R1  
: Mr.M.Arun, for R2



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## **ORDER**

This criminal original petition has been filed seeking to quash the First Information Report in Crime No.1231 of 2025, pending against the petitioners, on the file of the 1<sup>st</sup> respondent-police, on the basis of the compromise arrived at between the petitioners and the *de facto* complainant/ 2<sup>nd</sup> respondent.

2. Heard the learned counsel on either side and perused the materials available on record.

3. Based on the complaint given by the *de facto* complainant/R2 alleging that when the 1<sup>st</sup> petitioner was working as a Gym trainer in the gym run by the 2<sup>nd</sup> respondent/de facto complainant in the name and style of Sayan Fitness Studio, he and his wife/the 2<sup>nd</sup> petitioner misappropriated the funds of the 2<sup>nd</sup> respondent's gym, the aforesaid case in Crime No.1231 of 2025 was registered on the file of the 1<sup>st</sup> respondent-police as against the petitioners, for the offences under Sections 318(4) & 316(4) of the BNS, which is now sought to be quashed.



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4. Learned counsel for the petitioners as well as the 2<sup>nd</sup> respondent/*de facto* complainant submitted that the petitioners have repaid the misappropriate amount of Rs.13,00,000/- to the 2<sup>nd</sup> respondent/*de facto* complainant and therefore, the parties have now amicably settled the issue among themselves. Hence, they seek to quash the First Information Report as against the petitioners. Affidavits and Joint Memo of Compromise to that effect have also been filed.

5. The petitioners and the *de facto* complainant/R2 appeared before this Court and they were identified by their respective counsel as well as by Ms.J.Mary Victoria Cecily. WSSI, S-7 Madipakkam Police Station, Chennai.

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

7. Learned Additional Public Prosecutor appearing on behalf of the 1<sup>st</sup> respondent submitted that though the parties have entered into a



compromise while this case 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.

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 petitioners. 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 petitioners and



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the 2<sup>nd</sup> 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.1231 of 2025 pending on the file of the 1<sup>st</sup> respondent-police, in exercise of its jurisdiction under Section 482 Cr.P.C./Section 528 BNSS.

10. Accordingly, the First Information Report in Crime No.1231 of 2025 pending on the file of the 1<sup>st</sup> respondent police is quashed as against the petitioners, on condition that the petitioners pay a sum of Rs.5,000/- (Rupees Five Thousand only) each as costs to the Tamil Nadu State Legal Services Authority (TNSLSA), High Court Campus, Chennai – 600 104, within a period of two (2) weeks from the date of receipt of a copy of this order.

11. At this juncture, the learned counsel for the petitioners submitted that during the course of investigation, the 1<sup>st</sup> respondent-police have seized certain articles and a four wheeler (Suzuki Swift VXi Car) bearing Regn.No.TN-05-CK-0513 belonging to the petitioners. Hence, he submitted that, it would suffice, if this Court issues necessary direction to



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the 1<sup>st</sup> respondent-police to return the said articles and the car to the petitioners.

12. In response, the learned Additional Public Prosecutor appearing for the 1<sup>st</sup> respondent-police submitted that the car and the other articles seized from the petitioners have been produced before the learned Judicial Magistrate No.2, Alandur under Form-91.

13. Learned counsel appearing for the 2<sup>nd</sup> respondent/de facto complainant submitted that the 2<sup>nd</sup> respondent has no objection in return of the car and other articles to the petitioners.

14. In view of the above, the petitioners are directed to file an appropriate petition before the Judicial Magistrate No.2, Alandur, seeking return of the car and other articles and upon filing of such application, the learned Judicial Magistrate No.2, Alandur, shall consider the same on merits and pass appropriate orders in accordance with law within a period of one week from the date of filing of such application.

15. This criminal original petition stands disposed of accordingly.

The affidavits and the Joint Memo of Compromise filed by the petitioners



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and the 2<sup>nd</sup> respondent for compromising the offences shall form part of the  
records.

16. Registry is directed to mark a copy of this order to the learned  
Judicial Magistrate No.2, Alandur.

**18.02.2026**  
**(2/2)**

skt

Neutral Citation: Yes/No

To:

1. The Judicial Magistrate No.2,  
Alandur.
2. The Inspector of Police,  
Madipakkam Police Station,  
St. Thomas Mount, Chennai.
3. The Member Secretary,  
The Tamil Nadu State Legal Services Authority (TNSLSA),  
High Court Campus, Chennai.
4. The Public Prosecutor,  
High Court of Madras.



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

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