



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-03-2026

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 5550 of 2026

and

CRL MP No.4208 of 2026

Ferin Suvitha Sahayaraj

Petitioner(s)

Vs

1. State Represented by,
The Inspector of Police,
J6, Thiruvanmiyur Police Station,
Thiruvanmiyur, Chennai 600 041.

2. Mohammed Afnas C.K.A
S/o. Abubakkar,
No.3, West Avenue, Kamaraj Nagar,
Thiruvanmiyur, Chennai - 600 041.

Respondent(s)

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to FIR in Crime No.497 of 2025 on the file of the 1st Respondent Police and quash the same and pass such further or other orders.

For Petitioner(s): Mr.N.Berlin Prabhu

For Respondent(s): Mr.Leonard Arul Joseph Selvam
Additional Public Prosecutor for
R1



ORDER

The petitioner, who is an accused in Crime No.497 of 2025 for the offence under Sections 318(4) and 316(2) of BNS, has filed the present quash petition.

2. The complaint against the petitioner is that the de facto complainant/2nd respondent is running a tea shop and the petitioner was introduced to him by a regular customer, who had taken a house on lease situated at Door No.2, Kamaraj Nagar, Thiruvananthapuram, Chennai 600 041. The petitioner rented the said property for the purpose of using it as a paying guest accommodation. The petitioner informed the de facto complainant that she is unable to run the women's hostel and offered the de facto complainant to continue the business.

2.1. In this regard, the petitioner had entered into a rental agreement with the de facto complainant, and the de facto complainant had paid a sum of Rs.5,00,000/- (Rupees Five Lakh Only) through a Bank transaction, which was advanced to the landowner and also agreed to pay the monthly rent of Rs.45,000/-. Subsequently, the land owner had questioned the de facto complainant, stating that such transaction had taken place without his



knowledge. Hence, the de facto complainant called upon the petitioner to repay the amount, and thereby, the present case has been registered.

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3. The learned counsel for the petitioner submitted that the petitioner had entered into an agreement with the de facto complainant, knowing well that it was an agreement for higher rental amount. The agreement was between the petitioner and the de facto complainant, and since it was without the knowledge of the landowner, treating it as a cheating is not proper.

4. The learned Additional Public Prosecutor appearing for the first respondent submitted that, in this case, the de facto complainant was called for enquiry and he had admitted that the petitioner had returned the amount to him, which was collected for the business of running women's hostel. He further submitted that the issue between the parties has been resolved.

5. The learned Additional Public Prosecutor appearing for the 2nd respondent also confirmed the receipt of the amount by the de facto complainant and stated that he does not intend to proceed further with the complaint.



6. 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.

7. 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. Since the issue has been resolved between the petitioner and the de facto complainant and also taking into account the rental amount received by the de facto complainant and that the de facto complainant



also agreed to withdraw the complaint against the petitioner, this Court is inclined to quash the First Information Report in Crime No.497 of 2025 on the file of the 1st respondent police. Accordingly, this Criminal Original Petition is allowed.

23-03-2026

Jd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. State Represented by,
The Inspector of Police,
J6, Thiruvanmiyur Police Station,
Thiruvanmiyur, Chennai 600 041.

2. The Public Prosecutor,
Madras High Court, Chennai.



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M.NIRMAL KUMAR J.
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