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CRL OP No. 5024 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-03-2026

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 5024 of 2026

Ezhilarasan

Petitioner

Vs

1. The State Rep. by Inspector of Police
Cuddalore Port Police Station,
Cuddalore District.
(Cr.No.34 of 2021)

2.Gnanasekaran

Respondents

PRAYER

This criminal original petition is preferred under section 528 of BNSS seeking to quash the FIR in Cr.No.34 of 2021 on the file of the respondent police on the basis of amicable settlement and compromise and to pass such further or other order as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner: Ms.S.Jessy Monica

For Respondents: Mr.Leonard Arul Joseph Selvam
Addl. Public Prosecutor for R1
R-2 present in court

ORDER

The petitioner, who is Accused No.1 in Crime No.34 of 2021 on the file



of the first respondent police, which is registered for the alleged offence under Section 379 of the IPC, has filed this criminal original petition seeking to quash the said FIR.

2. Heard Ms.S.Jessy Monica, learned counsel appearing for the petitioner. Mr.Leonard Arul Joseph Selvam, learned Additional Public Prosecutor takes notice for the first respondent police. The second respondent/ defacto complainant is present in Court.

3.It is the contention of the learned counsel for the petitioner that the petitioner was found near the boat of the defacto complainant and on suspicion, the complaint has been lodged and that the petitioner is not aware about the four other persons who have been named in the said FIR. It is submitted that the entire case is revolved around the theft of lead balls which are used in the fishing boats while fishing. The learned counsel for the petitioner submitted that the lead balls have been recovered. It is his further submission that the petitioner has completed his schooling and he is seeking employment in the Neyveli Lignite Corporation [NLC] and that the pendency of the above case is affecting the petitioner's employment opportunity in the NLC. Therefore, the petitioner had approached the defacto complainant/second respondent and explained to him as to how he was falsely implicated in the case. It is the submission of learned counsel for the petitioner that the second respondent defacto complainant has now agreed to withdraw the complaint and to compound the



offence against the petitioner. A joint memo of compromise has also been filed along with the petition. Hence, the present petition has been filed to quash the FIR.

4.The learned Additional Public Prosecutor who has taken notice for the first respondent has submitted that the defacto complainant has lodged a complaint before the respondent police on 20.03.2021, stating that he owned a fishing boat and he is also having fishing nets. He has kept his boat in the shore of Devanampattinam. It is alleged in the complaint that the defacto complainant used to inspect his boat frequently. On 20.03.2021 at about 12.00 noon, he has requested one Mr.Amarnath to go and inspect the boat which has been kept in the shore as he could not go and inspect the same due to some work. When he went to inspect the board, he found that the petitioner and four others were in the boat in a suspicious manner and on seeing him, they have fled away from the scene but he managed to catch the petitioner alone and it is found that they have taken away the lead balls weighing 60 kg. It is also alleged in the complaint that the lead balls weighing around 900 kg have been found missing during the one month period.

5.Learned Additional Public Prosecutor submitted that a complaint has been registered and investigation has been conducted and after completion of the investigation, charge sheet has been filed before the learned Judicial Magistrate No.2, Cuddalore, listing seven witnesses and documents and the



same has been taken on file as C.C.No.205 of 2026.

6.The defacto complainant / second respondent appeared in person and submitted that on some assumption, the complaint has been lodged by him and later, on enquiry, it is found that the lead balls have got detached from the boat and it is now recovered and available and hence, he is not inclined to further proceed with the case against the petitioner and other accused persons. Though the joint memo of compromise has been filed insofar as the petitioner / accused no.1 is concerned, now the defacto complainant has also agreed to withdraw the complaint given against the other four accused also, who are named in the FIR.

7.This court has considered the submissions made by both sides. The defacto complainant has also been identified by the respondent police and during enquiry in the Court, the defacto complainant has also confirmed the compromise entered into between him and the petitioner. The second respondent has also reiterated before the court about the compromise entered into between the parties and agreed to withdraw the case against the accused persons named in the FIR. He further submitted that the compromise was arrived at on his own volition and without any coercion and threat. Further, there is no prior enmity between the parties.

8.From the above, it is clear that on mere suspicion and presumption that the petitioner and the others named in the FIR would have committed the theft of lead balls, the second respondent has made the complaint and later, the lead



balls have been recovered and now, the second respondent is not inclined to proceed further with the case and he is willing to withdraw the complaint.

Therefore, the court is of the view that though the investigation has been completed and charge sheet has been filed, in view of the compromise entered between the parties, this court is inclined to quash the FIR in Crime No.34 of 2021 on the file of the first respondent police against the petitioner as well as against the other four accused persons named in the FIR as they also stand on the same footing as that of the petitioner herein.

9.In the light of the above, the FIR in Crime No.34 of 2021 on the file of the first respondent police is quashed. Consequently, the charge sheet filed in C.C.No.205 of 2026 on the file of Judicial Magistrate No.2, Cuddalore is also quashed. It is made clear that the above case, namely Crime No.34 of 2021 shall not be quoted against the petitioner qua his future education and employment. With the above observation, this criminal original petition is allowed. No costs.

04-03-2026

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

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To

1. The State Rep. by Inspector of Police
Cuddalore Port Police Station,
Cuddalore District.
(Cr.No.34 of 2021)
2. The Additional Public Prosecutor,
High Court, Madras.
3. Judicial Magistrate No2,
Cuddalore.



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M.NIRMAL KUMAR J.

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