



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

**CRL OP No. 10073 of 2026
and Crl.M.P.No.7179 of 2026**

1. Kathar Basha
S/o. Ahamed Basha,
Trustee, Masjid-e-Ahamed Trust,
No.2, Venkatesan Street,
Purasawalkam, Chennai-600 007
2. Mohamed Asif Ali Khan
S/o. Mohamed Jaffar Ali Khan,
Supervisor, Masjid-e-Ahamed Trust,
No.2, Vel Nagar 3rd Street,
Peerankaranai, Chennai-600 063.

..Petitioner(s)

Vs.

1. The State of Tamil Nadu rep. by
The Inspector of Police
St. Thomas Mount Police Station,
Peerankaranai, Chennai-600 063.
2. Mrs. G. Rani
W/o. Late Mr. Ganesan,
No.56/26, Thiru Vi. Ka. Nagar,
Velacherry, Chennai-600 042.

..Respondent(s)

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, praying to call for the records pertaining to the charge sheet in CC.No.300421 of 2017 on the file of the Judicial Magistrate-1, Tambaram, Chennai under IPC 1860 act cases and quash the same and thus render justice.



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For Petitioner(s):
For Respondent(s):

Mrs.S.Farhath
Mr. LEONARD ARUL JOSEPH SELVAM
ADDITIONAL PP for R1
Mr.Kowsick for R2

ORDER

The Criminal Original Petition has been filed seeking to quash all further proceedings in C.C.no.300421 of 2017, on the file of the Judicial Magistrate-1, Tambaram, Chennai as against the petitioners, on the basis of the compromise arrived at between the petitioners and the *de facto* complainant/second respondent.

2. The case of the prosecution is that the petitioners are the administrators of the Masjid-e-Ajamed Trust and on behalf of the said trust, the petitioners have earmarked the renovation work at Masjid-e-Ahamed Trust, Indira Nagar, Kishkintha Road, Old Perungalathur, Chennai to the husband of the defacto complainant / 2nd respondent. While so, on 02.11.2016, at 11 am, when the construction work was being done by the deceased – Ganesan, he connected the electric motor to fetch water from the borewell pump to the site, where the construction work was being done. At that moment, the deceased was electrocuted and died on the spot. Hence the complaint.

3. Heard both sides and perused the materials available on record.



4. Based on the complaint given by the *de facto* complainant/second respondent, a case in Crime No.2063 of 2016 registered on the file of the 1st respondent Police against the petitioners, for the offence under Section 304 (A) of I.P.C.

5. The learned counsel appearing for both the petitioners and the *de facto* complainant submitted that the parties have now amicably resolved their dispute and the *de facto* complainant also agreed to withdraw the complaint lodged against the petitioners.

6. As the parties have now amicably settled the issue among themselves, they seek to quash the First Information Report as against the petitioners. An Affidavit by the 2nd respondent / defacto complainant has also been filed.

7. The petitioners and the *de facto* complainant/2nd respondent are present before this Court and they were identified by the 1st respondent Police.

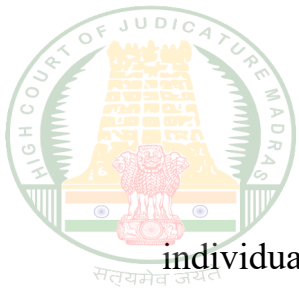
8. On being enquired by this Court, the parties confirmed the compromise entered between them. The *de facto* complainant stated that she has amicably settled the dispute with the petitioners and she is not willing to pursue the criminal proceedings and therefore, seeks to quash the same.



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9. The learned Additional Public Prosecutor appearing on behalf of the respondent police submitted that though the parties 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 the offences of this nature can be quashed on the ground of compromise between parties.

10. 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.



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11. In the present case, the offence in question is purely individual/personal in nature. It involves dispute between the petitioners 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 CC.No.300421 of 2017 on the file of the Judicial Magistrate-1, Tambaram, Chennai, in exercise of its jurisdiction under Section 482 Cr.P.C./Section 528 BNSS.

12. Accordingly, the Criminal Original Petition is allowed and the CC.No.300421 of 2017 on the file of the Judicial Magistrate-1, Tambaram, Chennai, is quashed as against the petitioners. The petitioners are discharged of all the charges. Consequently, the connected miscellaneous petition is closed.

13. The affidavit filed by the second respondent for compromising the offence shall form part of the records.

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

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M.NIRMAL KUMAR, J.

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To

1. The Judicial Magistrate-1, Tambaram, Chennai.
2. The Inspector of Police
St. Thomas Mount Police Station,
Peerankaranai, Chennai-600 063.
3. The Public Prosecutor
High Court of Madras.

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