



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-04-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 7254 of 2026

1. Manjula
W/o. Arun,
No.48, Balaji Nagar,
1st Cross Street, Keelkattalai,
Chennai - 600 117.

2. Mahalakshmi
W/o. Ganesh Kumar,
No.48, Balaji Nagar,
1st Cross Street, Keelkattalai,
Chennai - 600 117.

..Petitioner(s)

Vs

1. State Rep.by, The Inspector of Police,
R3, Ashok Nagar Police Station,
Cr.No.235/2025.

2. Shanthi
W/o Ramanujam,
No.20/74, Gandhi Street,
West Mambalam, Chennai - 600 033.

..Respondent(s)

PRAYER: This criminal original petition filed under Section 528 of BNSS to call for the records in CC.No.2387 of 2025 on the file of the XVII Metropolitan Magistrate at Saidapet, Chennai and quash the same and pass such further or other orders.

For Petitioner(s): M/s.Balaji Sankara Moorthy

For Respondent(s): Mr. LEONARD ARUL JOSEPH SELVAM
ADDITIONAL PUBLIC PROSECUTOR
for R1
MR.M. SARAVANAN
FOR R2



ORDER

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The petitioners/accused facing trial in C.C.No.2387 of 2025 for offences under Sections 318(2), 336(3) & 340 of BNS, 2023, had filed this quash petition.

2.The case against the petitioners is that the second respondent/defacto complainant lodged a complaint on 30.06.2025 stating that she is residing in the first floor and on the ground floor, her brother-in-law and brother of her husband's family are residing. On 14.03.2025 at about 11.am. the petitioners came to their house claiming that they are from Suraksha Company Agent and they had a gas instrument (Indane Cylinder Checking Machine) to measure the gas in the cylinders. They collected a sum of Rs.7,600/- from her, likewise from her brother-in-law, another Rs.7,600/- was collected and informed that within two days, they would come back and hand over the bill. Later, after two days, when she was contacted, their mobile phones were switched off. When the defacto complainant went to the gas agency and requested the bill, they informed that they had not sent any representatives. Hence, she gave a complaint and case registered and after completion of investigation, charge sheet filed listing a witnesses before XVII Metropolitan Magistrate, Saidapet, Chennai, which was taken on file in C.C.No.2387 of 2025.



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3.The learned counsel for the petitioners submitted that the petitioners were initially working in the gas agency and later they were sent out of the employment. According to the petitioners, it is the gas agency that has to pay the defacto complainant. In any event, now the issue had been resolved and compromise entered between the petitioners and the defacto complainant.

4.The learned Additional Public Prosecutor submitted that on an earlier occasion, he was directed to verify the antecedent of the petitioners and informed that there are no cases against them. Now, the case is at trial stage and further, submitted that though the parties entered into a compromise, taking into account the seriousness of the offence, has to consider whether offences of this nature can be quashed on the ground of compromise between parties.

5.The learned counsel appearing for the petitioners as well as for the defacto complainant submitted that the parties have now amicably settled the issue among themselves. Hence, they seek to quash the proceedings pending against the petitioners and in this regard, a joint compromise memo entered into between them, which is scanned and extracted hereunder:



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IN THE HIGH COURT OF JUDICATURE AT MADRAS
(CRIMINAL ORIGINAL JURISDICTION)

C.R.D. No. 7254 of 2026
against

C.C. No. 2387 of 2025

(on the file of the XVII Metropolitan Magistrate at Saidapet, Chennai)

1) Manjula (F/36)
W/o. Arun,
No.48, Balaji Nagar, 1st Cross Street,
Keelekatlali, Chennai - 600 117.

2) Mahalakshmi (F/35)
W/o. Ganesh Kumar,
No.48, Balaji Nagar, 1st Cross Street,
Keelekatlali, Chennai - 600 117.

...Petitioners/Accused 1 & 2
Vs.

1) State Rep. by Inspector of Police
R3 Ashok Nagar Police Station
Crime No.235/2025

...1st Respondent/Complainant

2) Shanmugam (F/58)
W/o. Rameshwar,
No.20/71, Gandhi Street, West Marthandam,
Chennai - 600 033.

...2nd Respondent/De-facto Complainant

JOINT MEMORANDUM OF COMPROMISE FILED BY
PETITIONERS, 2ND RESPONDENT, VICTIMS

The Petitioners and the 2nd Respondent humbly submit as follows:-

1. The Petitioners stand prosecuted in C.C. No. 2387 of 2025 on the file of the XVII Metropolitan Magistrate at Saidapet, Chennai for the offences

R. Lakshmi

R. Lakshmi



1. R. Lakshmi
2. R. Lakshmi



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punishable under Sections 318(2), 319(3) 340 of the Bharatiya Nyaya Sanhita, 2021 (hereafter 'B.N.S.' for sake of convenience).

2. The gist of prosecution case is that the Petitioners herein falsely represented to the 2nd Respondent herein and to her brother-in-law one Parthasarathy that they were from Suraksha Agency and that they took Rs.7,600/- each from the 2nd Respondent and the said Parthasarathy by promising to sell them Indane Cylinder Cheeking Machine. It is further case of prosecution that they Petitioners did not deliver the said machine to the 2nd Respondent and her brother-in-law and thereby cheated them. Subsequently, the 2nd Respondent preferred a complain against the Petitioners which resulted in the registration of the above FIR for the offences stated supra. After conducting investigation, the Respondent police has filed a positive final report against the Petitioners for the offences stated supra.

3. The said proceedings do not necessarily have to continue since the Petitioners have entered into compromise with the de-facto complainant/victims.

4. The allegations cast against the Petitioners in the final report are embellished and the same was a trivial issue which was blown out of proportion.

R. L. Bhatnagar

R. Loganathan



A. Balayya

2-2 R. Loganathan



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5. The allegations which have been embellished are largely private in nature since the same pertains to a dispute between the Petitioners and the 2nd Respondent and thus the same can hardly be considered as against the society at large.

6. Since the Petitioners herein and the de-facto complainant, who are the accused and de-facto complainant respectively and also another victim namely Mr. Parthasarathy, in the above matter have settled their dispute amicably and buried the hatchet and have become friends after the alleged incident, the continuance of proceedings in the above case will not be in the interest of justice and the same warrants the interference of this Hon'ble Court to put an end to the said proceedings in the interest of justice.

7. The continuance of the proceedings in the above case in pursuance of the impugned final report is not desirable anymore in light of the compromise entered into amongst the parties. Further, the above case falls within the parameters laid down by this Hon'ble Court and the Supreme Court as to when a criminal case can be quashed on the basis of settlement/compromise arrived at between the parties and therefore there is no legal embargo to invoke the inherent powers of this Hon'ble Court under Section 528 of B.N.S.S. to quash the said proceedings.

R. Loganathan

R. Loganathan



1. R. Santhi

2. J. Parthasarathy



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8. The Parties herein undertake that the dispute was genuinely and amicably settled and that the de-facto complainant and the other victim i.e., Parthasarathy entered into compromise with the Petitioners on their own volition and out of their free will and that the de-facto complainant or the other victim was not induced or forced to enter into compromise.

In the above circumstances, this Hon'ble Court may be pleased to record the Instant Joint Memo of Compromise filed by the Petitioners, 2nd Respondent and the other victim in the above case and pass any suitable orders which this Hon'ble Court may deem fit and thus render justice.

Dated at Chennai this the 16th day of January, 2026.

1. R. Loganathan

R. Loganathan

2nd Respondent
De-facto Complainant

2. R. Loganathan

Parthasarathy (victim)



A. BALAJI
ADVOCATE & COMMISSIONER OF DATHS
BLOCK 102, DOOR No. 8
EZHILNAGAR, THIRU, PERUMAKKAL,
CHENNAI-600 119
Cell: 9444666101, 8680054709

Witnesses:

1. R. Gopal

R. Gopal S/o Rajangam (Adhar No. A68040304636)
No. 4, Mahalakshmi Nagar,
3rd cross Street, Madhavaleam
Ch- 91, Cell- 9342268852

2. C. Somya

C. Somya S/o Chithiraivel (Adhar No. 898036343061)
No. 2, 6th Street, Sagarinagar,
Keelkattalai, Old Palayam, Ch-117,
Cell- 9176811380;



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

7. The case is still at the stage of trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

8. The petitioners, the de facto complainant/R2 and another victim namely Parthasarathy appeared before this Court through Video conferencing and were identified by their respective counsel as well as by N.Sivakumar, Inspector of Police, R3 Ashok Nagar Police Station, Chennai – 83.

9. On being enquired by this Court, the *de facto* complainant/R2 and the another victim stated that they are willing to settle the dispute with the petitioners and they are not willing to pursue the criminal proceedings and therefore, seeks to quash the same.

10. Under such circumstances, no useful purpose will be served in keeping the case pending, even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in **2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrat)**, and after exercising due caution as advised by the Hon'ble Supreme Court in **The State of Madhya Pradesh v. Dhruv Gurjar and Another** reported



in **(2019) 2 MLJ Crl 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the case in C.C.No.2387 of 2025, pending on the file of the XVII Metropolitan Magistrate, Saidapet, Chennai.

11.In the present case, the dispute between the petitioners and the second respondent defacto complainant 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 proceedings pending against the petitioners in C.C.No.2387 of 2025 on the file of the XVII Metropolitan Magistrate, Saidapet, Chennai.

12.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.2387 of 2025 pending on the file of the XVII Metropolitan Magistrate, Saidapet, Chennai is quashed and the terms of affidavits and joint compromise memo shall form part and parcel of this order.

10-04-2026

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



To

1. The XVII Metropolitan Magistrate,
Saidapet, Chennai.

2. The Inspector of Police,
R3, Ashok Nagar Police Station,
Cr.No.235/2025.

3. The Public Prosecutor
High Court, Madras.



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CRL OP No. 7254 of 2



M.NIRMAL KUMAR, J.

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