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Crl.O.P. No. 8265 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2026

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THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Crl. O.P. No. 8265 of 2026

S. Bharath Kumar

..Petitioner

Vs.

1. The State rep. by
The Inspector of Police,
CCD-I, Chennai East,
Chennai – 600 031.
Crime no. 9/2025.

2. Indian Council of Medical Research,
rep.by its Senior Administration Officer,
Mr. Gopakumar,
ICMR-NIRT, No.1, Sathyamoorthy Road,
Chetpet, Chennai – 600 031.

..Respondents

Prayer: Criminal Original Petition filed under Section 528 of BNSS to call
for the records in connection with Crime No. 9 of 2025 on the file of the 1st
respondent Police in view of the compromise arrived at between the parties.

For Petitioner :: Mr.P. Muthamizh Selvakumar

For Respondents :: Mr.Leonoard Arul Joseph Selvam
Addl. Public Prosecutor for R1



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assisted by
Harshana T.

O R D E R

The petitioner/accused in Crime No. 9 of 2025 registered for the offences under Sections 406, 420 IPC and 66D of Information Technology (Amendment) Act, 2008 has filed this quash petition.

2. The de facto complainant/the Senior Administrative Officer of 2nd respondent Institution lodged a complaint that there was unauthorised transaction using HPCL Drive Track Plus Account and there was misuse of funds using the name of the project titled ‘ National Tuberculosis Prevalence Survey 2019-21’ by the accused. As per the complaint, the 2nd respondent Institution had utilised the services of HPCL Drive Track Plus Account for consumption of diesel for 25 mobile X-ray buses and associated generators. To facilitate cashless transaction nationwide, funds were transferred from NIRT account to this HPCL Drive Track Plus Account. The project teams used to refuel the vehicles using the HPCL card linked with Account No.2000443920 with transaction alerts sent to the project phone number on as and when needed basis. After completion



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of the project in September, 2021, all cards were blocked and refund of the remaining balance amount of Rs.4,77,171/- was requested. However, the it was informed that HPCL does not have an option to resend the funds from the HPCL account and that the project phone number has been terminated. Hence, the 2nd respondent Institution decided to use the balance amount available for their future project. Later, it was found that an unauthorised person had accessed the account and utilised 6012.99 litres of diesel worth Rs. 5,66,547.12/- at Perry Agencies in Guindy on 30th September, 2022 to purchase diesel using an additional linked mobile number without authorisation of the de facto complainant and therefore, necessary action was requested to be taken against the person responsible for this unauthorised addition of new mobile number and unauthorised transaction from the Account No.2000443920. As it was found that the petitioner, who was the Computer Operator, had committed the offence, the case came to be registered against him.

3. Learned counsel for the petitioner would submit that the petitioner is an outsourced staff employed on a temporary basis to operate



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the computers. Due to oversight, the amount was transferred from the account of the de facto complainant to an Agency and later, when the same was found, it was rectified and the amount was re-transferred to the account of the de facto complainant. Now, the de facto complainant has come forward to withdraw the complaint.

4. Learned Additional Public Prosecutor submitted that on the complaint of the de facto complainant, a case has been registered and the investigation is in progress. He further submitted that the amount, which was transferred from the de facto complainant's account to one Perry Agencies has now been retransferred and the entire amount of Rs.5,66,547/- has been credited to the account of the de facto complainant and no loss has been caused to the de facto complainant.

5. The case is still at the stage of investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves. Hence, they seek to quash the proceedings pending against the petitioner.



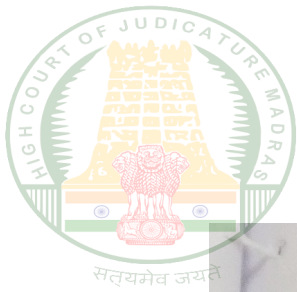
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6. The parties appeared before this Court and were identified by

Mr.V. Arumugam, SSI, CCPS, East Zone.

7. The affidavits dated 16.03.2026 have been filed by the respective parties stating that the 2nd respondent has been settled for a sum of Rs.5,66,547/- by the petitioner; that the 2nd respondent accepted the same as full and final settlement and that both the petitioner and the 2nd respondent have voluntarily agreed to settle all their disputes.

8. The Joint Memorandum of Compromise dated 16.03.2026 entered between the parties is scanned and reproduced below:



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IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Crl.O.P.No. 8265 OF 2026
In

Crime No. 9 of 2025
(On the file CCD-1, Chennai East, Chennai)

S. Bharath kumar M/35,
S/o. Selvam,
Q31, Prem Nagar Colony,
South Boag Road,
Thiyagara Nagar,
Chennai – 600 017.

Petitioner/accused
Vs.

1. The State rep by
The Inspector of Police,
CCD-I, Chennai East,
Chennai -600 031
Crime No.9/2025

...Respondents/Complainant

2. Indian Council of Medial Research (ICMR)
Represented by its Senior Administration Officer,
Mr. Gopakumar,
ICMR-NIRT, No.1, Sathyamoorthy Road,
Chetpet, Chennai – 600 031.

...Petitioner/Defacto Complainant

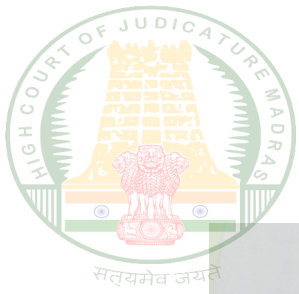
JOINT MEMORANDUM OF COMPROMISE

The petitioner herein humbly submits as follows:

1. It is submitted that, the petitioners/Accused and the 2nd respondent/de-facto complainant have mutually agreed to compromise the dispute and willing to compound the criminal case in CC No. 9 of 2025 pending on the file of the 1st respondent police for the alleged offence under Sections 405, 420 of Indian Penal Code and 66D of Information Techonology (Amendment) Act 2008.

Bharath

Gopakumar



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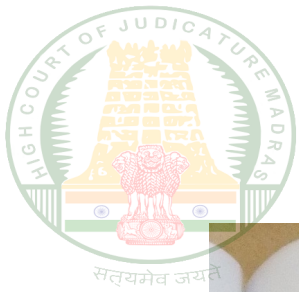
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2. It is submitted that, the 2nd respondent Institution had utilized the services of HPCL Drive Track Plus account for consumption of diesel for mobile X-ray buses and associated with generators. To facilitate the cashless transaction national wide, the funds were transferred from NIRT Account to this HPCL Drive Track Plus **account number 2000443920**, with transaction alerts sent to the project linked **phone number 7823936085**. **The HPCL Account number 2000443920** which was being used for the project title "Nation Tuberculosis Prevalence Survey 2019-2021". The said project has been completed in the month of September 2021, subsequently, all cards in the said HPCL Track Plus account were blocked by the 2nd respondent/de-facto complainant and also the account linked mobile number 7823936085 was also terminated by the petitioner institute.

3. It is submitted that, at the time of closure of the said project a sum of Rs. 4,77,171/- was the remaining balance were kept the said account and the refund of the said remaining balance in the account was also raised to HPCL. However, the HPCL informed the petitioner that they did not have the option to resend funds from the HPCL account. Hence, the petitioner has decided to use the remaining balance amount available in the said account for another project namely "the District level Sentinel Surveillance project (DLSS) which has was started on 19.06.2024. Thereafter, the 2nd respondent/de-facto complainant tried to activate the said HPCL Card, and found that an unauthorized person had accessed the account and utilized 6012.99 liters of diesel worth Rs. 5,66,547/- at Perry Agencies in Guindy on 30.09.2022 to purchase diesel using additional linked mobile number 7904614552 without any authorization.

Bhant

Gopal



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Subsequently, the 2nd respondent/de-facto complainant had reset the said account by addressing the issue to HCPL through mail.

4. It is submitted that, once after addressed the issue with the HPCL, the 2nd respondent had lodged a complaint with the 1st respondent police on 12.12.2024 and based on such complaint on 27.03.2025 the 1st respondent had registered FIR with Crime No. 9 of 2025. It is further state the de-facto complainant had received the money covered under the above crime No. 9 of 2025 which is under the custody of the 1st respondent police.

5. It is submitted that, as the 2nd respondent has been settled for a sum of Rs. 5,66,547/- by the petitioner, the 2nd respondent accepted the same as full and final settlement, now both petitioner and the 2nd respondent herein have usually and voluntarily agreed to settle all their disputes in the following terms:

(i) The 2nd respondent has been settled for a sum of Rs.5,66,547/- to the defacto complainant and the same was also received by the defacto complainant and the matter is amicably settled.

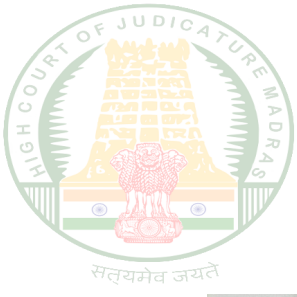
(ii) The 2nd respondent/complainant undertakes that he will not file any criminal complaint or civil suits or any other litigations before a court of law or other authorities against the petitioners in respect of their inter se dispute which has been settled herein

(iii) Both the petitioners and the 2nd respondent have voluntarily and volitionally entered into this Memo of Compromise, without any coercion, undue influence etc.,

In view of the facts and circumstances stated above, it is therefore most humbly prayed that this Hon'ble Court may be pleased to call for

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Gopalakrishnan



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the records in connection with Crime No. 9 of 2025 in the file of the 1st respondent police in view of the compromise arrived at between the parties, and pass such further or other orders as this Hon'ble Court may deem fit and proper in the interest of justice and thus render justice.

Dated at Chennai on this 16th day of March 2025.

GPKL

2nd Respondent/de-facto Complainant.

Bhant

Petitioner / Accused

Counsel for the petitioner.



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9. Under such circumstances, no useful purpose will be served in

keeping the First Information Report pending and even though, the offence under Section 66D of Information Technology (Amendment) Act involved is 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 Gujrath)**, 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 First Information Report in Crime No. 9 of 2025 on the file of the 1st respondent Police.

10. This Criminal Original Petition stands allowed and as a sequel, the investigation in Crime No. 9 of 2025 on the file of the 1st respondent Police is quashed.

11. The affidavits and the Joint Memo of Compromise filed by the petitioner and the 2nd respondent for compromising the offences shall form part of the records.

10.04.2026

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- To
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CCD-I, Chennai East,
Chennai – 600 031.
Crime no. 9/2025.
 2. Indian Council of Medical Research,
rep.by its Senior Administration Officer,
Mr. Gopakumar,
ICMR-NIRT, No.1, Sathyamoorthy Road,
Chetpet, Chennai – 600 031.
 3. The Public Prosecutor, High Court,
Madras.



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M. NIRMAL KUMAR,J.

nv

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