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CRL OP No. 8312 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 27.04.2026

PRONOUNCED ON : 01.06.2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 8312 of 2026

Anandhan
S/o. Muthu,
Having Residence at No.1/26,
Perumal Koil Street,
Siruvakkam Village,
Kancheepuram Taluk-631501.

..Petitioner(s)

Vs

1. The State Represented by
The Inspector of Police
B-3, Kanchi Taluk Police Station,
Kancheepuram.
2. The State Represented by
The Inspector of Police
B-5, Ponneri Karai Police Station,
Kancheepuram-631502.
3. K. Rajamannar,
S/o. Kathirvel,
No.1/124, Melandai Street,
Siruvakkam Village and Post,
Kancheepuram Taluk.

..Respondent(s)

PRAYER: The Criminal Original Petition filed under Section 528 of BNSS, 2023, praying to call for the records in PRC No.6 of 2023 pending trial on the file of the learned Judicial Magistrate-II, Kancheepuram and to examine the same and quash the entire proceedings in PRC No.6 of 2023 in respect of the Petitioner/5th Accused and all further proceedings.



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For Petitioner(s):

Mr.G.Prabhakaran

For Respondents-
1 & 2:

Mr.L.Baskaran,
Government Advocate (Crl. Side)
Assisted by
Ms.Harshana, T.

ORDER

The petitioner/A5 in PRC No.6 of 2023 facing trial along with 8 others for offence under Sections 147, 148, 294(b), 307, 506(ii), 149 and 120-B of I.P.C. and Section 4 of TN Prohibition of Harassment of Women Act, 2002 had filed this quash petition on the basis of compromise.

2.The case of the prosecution is that the de facto complainant is a resident of Siruvakkam village and carry on his agricultural work. In this case, all the 9 accused are known associates and friends. On 17.11.2021 at about 11.00 a.m., the village head man was discussing about taking tender for fishing rights from the village lake in presence of witnesses and a public auction was conducted and the de facto complainant was a successful bidder agreeing to pay Rs.5,00,000/- as bid amount. Prior to 17.11.2021, the accused A8 and A9 called A7 through video call and directed him to commit extortion on the persons identified by them. In continuation to it, on the same day at about 8.00 a.m., A7 called A2 to A6 and all met in a dilapidated house near the Kanchi old railway station. A7 informed the directions issued by A8 and A9 and A2 to A6 agreed to the same and they planned to extort money from the de facto complainant. In



continuation to the conspiracy, on the same day at 4.30 p.m. A1 to A7 armed with deadly weapons formed into an unlawful assembly and went in search of de facto complainant and found the de facto complainant was in his land. A1 to A4 and A6 and A7 all came in a two wheeler and questioned that why he bid in the auction despite the warning that no one other than A1 should bid in the auction. Hence, to show their might, all the accused drew knives and attempted to attack the de facto complainant on his head. He evaded, fell into a ditch and also blocked the attack using his hand. The de facto complainant's wife, with folded hands, pleaded for mercy of life and stated that they would give up the bidding rights. Unmindful of the same, she was also pushed down and assaulted. LW3 on seeing the attack, came to the rescue of LW1 and he was also attacked and he sustained grievous injury. Two of the witnesses sustained grievous injury and finally they were taken to hospital. From the hospital, information received and thereafter the case registered in Crime No.1600 of 2021 on 17.11.2021. On completion of investigation, charge sheet filed listing listing 28 witnesses. At this stage, the petitioner filed a quash application on the ground of compromise.

3.The contention of the learned counsel for petitioner is that the petitioner is an elected village Ex-President of Siruvakkam village during the period from 2006-2011 and 2011-2016. In the year 2016, he was holding the post of Deputy Secretary in Amma Peravai Kancheepuram District and presently he is the



Secretary of AIADMK Youth wing. The petitioner has not committed any offence as alleged in the final report. Further petitioner is a public personnel, his

name does not find place in the F.I.R. The petitioner has been arrayed as an accused only on the confession of the co-accused, which is without any supporting materials. Due to the political vendetta and for obvious reasons, the respondent police registered the above case.

4.The learned Government Advocate (Crl. Side) strongly opposed the petitioner's contention and submitted that the third respondent is an agriculturist. He is the successful bidder in the public auction conducted by the village head man for taking fishing rights from the village lake. The petitioner, with brute arrogance, used to move around the locality and was part of the notorious rowdy Sridhar Gang. He involved himself in forcible encroachment of properties, threatening witnesses, extortion and other offences, thereby creating fear among the public and to generate such fear, he had been indulging in the acts of intimidation in public by threatening not only the de facto complainant but also the public at large. His presence resonates terror to the public. The petitioner and other 9 accused are known associates. They attacked the de facto complainant, his wife and other witnesses in public, thereby they sustained grievous injuries. Further the case was registered, investigation commenced and the statement of de facto complainant and other witnesses recorded. In the presence of public witnesses, observation mahazar and rough sketch prepared.



On completion of investigation, now charge sheet filed. Now the de facto complainant has been forced to withdraw the complaint. The petitioner has got criminal history and he has been continuously involving in criminal activities. Section 528 of BNSS is for real justice to deserving persons and not to encourage criminal activities.

5. Heard the learned counsel for petitioner and the learned Government Advocate for first respondent.

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.



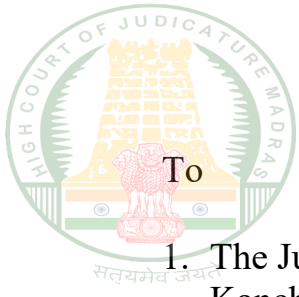
7. On the submissions of the learned Government Advocate, it is seen that the petitioner has got previous case history and he has been continuously indulging in such criminal activities. Hence, this Court is not inclined to entertain this petition.

8. Accordingly, the Criminal Original Petition is dismissed.

01.06.2026
(2/3)

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

RSI



To

1. The Judicial Magistrate No.II,
Kancheepuram.
2. The Inspector of Police,
B-3, Kanchi Taluk Police Station,
Kancheepuram.
3. The Inspector of Police
B-5, Ponneri Karai Police Station,
Kancheepuram-631502.
4. The Public Prosecutor,
High Court, Madras.

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M.NIRMAL KUMAR, J.

RSI

**Pre-delivery order in
CRL OP No. 8312 of 2026**

**01.06.2026
(2/3)**