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CRL OP No. 8323 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. 8323 of 2026

Anandhan
S/o Muthu,
Having Residence at No.1/26,
Perumal Koil Street,
Siruvakkam Village,
Kancheepuram Taluk – 631 501.

..Petitioner(s)

Vs

1. The State Represented By,
The Inspector of Police
B- Kanchi Taluk Police Station,
Kancheepuram.
2. J.Sarathkumar
S/o Jayaraman,
No.125, Perumal Koil Street,
Mettupalayam, Melkathirpur Post,
Kanchi Taluk, Kancheepuram.

..Respondent(s)

PRAYER: The Criminal Original Petition filed under Section 528 of BNSS, 2023, praying to call for the records in PRC.No.105 of 2025 pending trial on the file of the learned Judicial Magistrate No.II, Kancheepuram and to examine the same and quash the entire proceedings in PRC.No.105 of 2025 in respect of the petitioner/accused and all further proceedings.

For Petitioner(s): Mr.G.Prabhakaran

For Respondent-1: Mr.L.Baskaran,
Government Advocate (Crl. Side)
Assisted by
Ms.Harshana, T.

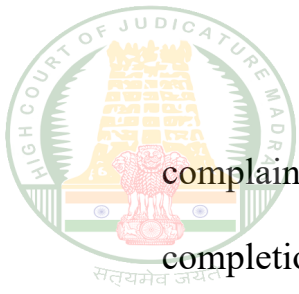


ORDER

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The petitioner/Accused in PRC No.105 of 2025 facing trial for offence under Sections 294(b), 307, 397, 506(ii) and 392 of I.P.C. and Section 3(1) of TN Public Property (Prevention of Damage and Loss) Act, 1992 had filed this quash petition on the basis of compromise.

2.The case of the prosecution is that the second respondent/de facto complainant was running a tiffin centre near a TASMACH shop. On 30.12.2017, at about 12.30 noon, the petitioner came there and ate Chicken 65 and a Dosai. When the de facto complainant demanded payment of Rs.180/- for the food, the petitioner raised his voice and threatened the de facto complainant, stating that he is a gangster associated with the noted rowdy Sridhar. Saying so, he took out a knife from his hip and attempted to attack the de facto complainant on his head. The de facto complainant luckily evaded the attack and knife fell on the table and table got damaged. Thereafter, the petitioner placed the knife on the neck of the de facto complainant and forcibly took away a sum of Rs.550/- from his pocket. Fearing for his life, the de facto complainant raised an alarm and thereafter the nearby persons came to rescue him. On seeing them, the petitioner threw the cool drinks bottle on the road, threatened the public, warned them and thereafter left the scene of occurrence. Hence, the de facto complainant lodged a



complaint and a case registered in Crime No.1356 of 2017 on 30.12.2017. On completion of investigation, charge sheet filed listing 8 witnesses. At this stage, the petitioner filed a quash application on the ground of compromise.

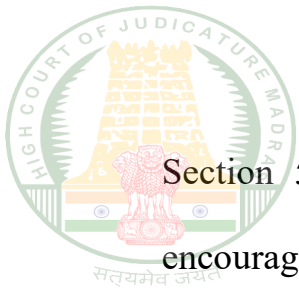
3.The contention of the learned counsel for petitioner is that the petitioner is an elected village Ex-President of Siruvakkam village during the period from 2006-2011 and 2011-2016. In the year 2016, he was holding the post of Deputy Secretary in Amma Peravai Kancheepuram District and presently he is the Secretary of AIADMK Youth wing. The petitioner has not committed any offence as alleged in the final report. Being an Ex-President and holding a political office, it defies logic that the petitioner involved himself in such an offence, that too in a glare daylight and in a public view, which would affect his political career and future prospects. The second respondent is running a tiffin shop on the roadside and is at the mercy of the police. On the compulsion of the first respondent police, he gave a false complaint. Now realising the mistake, he came forward to withdraw the complaint and agreed for quashing of the case against the petitioner.

4.The learned Government Advocate (Crl. Side) strongly opposed the petitioner's contention and submitted that the second respondent is a small time tiffin vendor near a wine shop. 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 de facto complainant was attacked with a knife on his head and luckily he evaded the attack and the knife fell on the table. The damage to the table was such that, had the knife landed on the head, the de facto complainant would have died on the spot. Thereafter, the petitioner placed the knife on the neck and threatened him and also taken away money and threatened the public by throwing cool drinks bottle on the road. Further the case was registered, investigation commenced and the statement of de facto complainant and other witnesses recorded. Apart from de facto complainant, one other eyewitness saw the incident and gave a statement. In the presence of public witnesses, observation mahazar and rough sketch prepared. The petitioner was arrested on the same day (i.e., on 30.12.2017) at about 4.30 p.m., near a Ponneri Karai junction and at that time he had also confessed about his active role along with rowdy Sridhar and admitted that he had been indulging himself in extortion and other criminal activities for several years. Further on the arrest of the petitioner, the knife and cash of Rs.550/- recovered. 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.

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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.

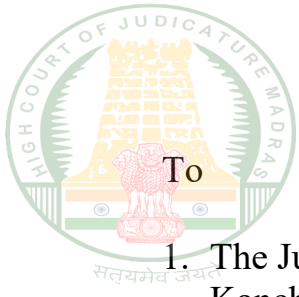


7. On the submissions of the learned Government Advocate, it is seen that the petitioner has got previous case history and he has been continuously indulging in such criminal activities. Hence, this Court is not inclined to entertain this petition.

8. Accordingly, the Criminal Original Petition is dismissed.

01.06.2026
(1/3)

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
B3 Kanchi Taluk Police Station,
Kancheepura.

3. The Public Prosecutor,
High Court, Madras.

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M.NIRMAL KUMAR, J.

RSI

**Pre-delivery order in
CRL OP No. 8323 of 2026**

**01.06.2026
(1/3)**