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CRL OP No. 8276 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. 8276 of 2026**

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

..Petitioner(s)

Vs

1. The State Rep By,  
The Inspector of Police  
B-3 Kanchi Taluk Police Station,  
Kancheepuram.
2. The State Rep By,  
The Inspector of Police  
B-5 Ponneri Karai Police Station,  
Kancheepuram – 631502.
3. P.Kamalesh  
S/o Prabhu,  
No.10, Ever Green Apartment,  
Ambetkar salai, Indhira Nagar,  
Kancheepuram.

..Respondent(s)

**PRAYER:** The Criminal Original Petition filed under Section 528 of BNSS, 2023, praying to call for the records in PRC.No.7 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.7 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.

For Respondent-3:

Mr.C.Mahesh Kumar

### **ORDER**

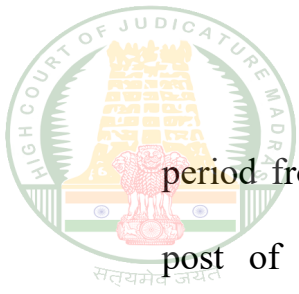
The petitioner/A5 in PRC No.7 of 2023 facing trial along with 9 others for offence under Sections 307, 120-B, 451, 324, 34 and 109 of I.P.C. and Section 4 of TN Prohibition of Harassment of Women Act, 2002 and Section 3(1) of TN Public Property (Prevention of Damage & Loss) Act, 1992 had filed this quash petition on the basis of compromise.

2. The case of the prosecution is that the de facto complainant's father Prabhu @ Ettu Prabhu purchased the property from one Vilvanathan, who is the uncle's son of A9/Dinesh. The said Dinesh is a notorious gangster, who was previously a driver of Sridhar, another notorious gangster. After the death of Sridhar, his activities were taken over by the said Dinesh. Five months prior to the incident, the de-facto complainant's father, for his urgent family requirements, intended to sell his property, but he was unable to sell the same. Finding that the property was with violations, all the 11 residents of the building called Vilvanathan and one Gopalakrishnan and enquired them. At that time, A8 gave his mobile phone to the de facto complainant's father. Using the phone,



A9-Dinesh threatened the de facto complainant's father and others not to raise any objection with regard to the property and its violations. Thereafter the sale proposal was deferred, but the de facto complainant's father continued to take steps to sell the property. On coming to know about the same, A8 informed A9 and thereafter A7, A9 and A10 planned to eliminate the de facto complainant's family and informed the petitioner/A5. Thereafter on 17.11.2021 at about 10.00 a.m., A1 to A4 and A6 assembled in a dilapidated house near the Kanchi old railway station. A7 was heading the gang and all the accused went to the house of de facto complainant, broke open the door, forcibly entered the house. A2 attacked the de facto complainant's mother, A3 and A4 kicked her. When the de facto complainant questioned, all the accused attempted to attack him using knife and enquired about the whereabouts of de facto complainant's father. The de facto complainant evaded the attack but sustained injury and thereafter all the accused threatened the inmates of the apartment and they forcibly removed the CCTV camera and hard disk and damaged the same to erase evidence. They also threatened not to inform the police. Hence, a complaint lodged and a case registered in Crime No.1601 of 2021 on 17.11.2021. On completion of investigation, charge sheet filed listing 27 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.

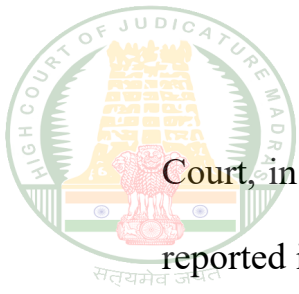
4. The learned Government Advocate (Crl. Side) strongly opposed the petitioner's contention and submitted that the de facto complainant's father purchased the property from the uncle's son of A9/Dinesh. The said Dinesh previous employed as driver to Sridhar, a notorious gangster. After the death of Sridhar, his activities were taken over by the said Dinesh. The de-facto complainant's father, for his urgent family requirements, intended to sell his property, but he was unable to sell the same. Finding that the property was with violations, all the 11 residents of the building called Vilvanathan and one Gopalakrishnan and enquired them. At that time, A8 contacted A9-Dinesh through mobile phone and A9 threatened the de facto complainant's father and others not to raise any objection with regard to the property and its violations. Thereafter the de facto complainant's father continued to take steps to sell the property. On coming to know about the same, all the accused went to the house



of the de facto complainant. A2 attacked the de facto complainant's mother, A3 and A4 kicked her. When the de facto complainant questioned the same, all the accused attempted to attack him using knife and enquired about the whereabouts of de facto complainant's father. The de facto complainant evaded the attack but sustained injury and thereafter all the accused threatened the inmates of the apartment and they forcibly removed the CCTV camera and hard disk and damaged the same to erase the evidence. They also threatened not to inform the police. Thereafter 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.

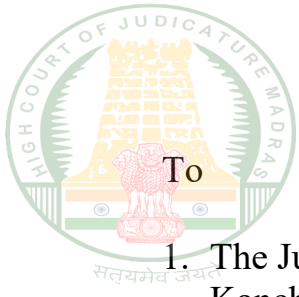
7. On the submissions of the learned Government Advocate, it is seen that the petitioner has got previous case history and he has been continuously indulging in such criminal activities. Hence, this Court is not inclined to entertain this petition.

8. Accordingly, the Criminal Original Petition is dismissed.

**01.06.2026**  
**(3/3)**

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. 8276 of 2026**

**01.06.2026  
(3/3)**