



WEB COPY

CRL OP No. 8731 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-04-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 8731 of 2026

1. Elumalai
2. Anandaraj

..Petitioners

Vs

1. State Rep., by Station House Officer
DCB, Villupuram
Villupuram District.
(Crime No.10 of 2014)

2. R. Saravanan

..Respondents

Prayer: Criminal Original Petition filed under section 528 of BNSS to call for the records relating to the case in C.C.No.120 of 2014 on the file of the Judicial Magistrate, Gingee, Villupuram District in connection with the case in Crime No.10 of 2014 on the file of the 1st Respondent Police and Quash the same.

For Petitioners: Mr. V.R. Appaswamee

For Respondents: Mr. Leonard Arul Joseph Selvam,
Additional Public Prosecutor
assisted by Ms. T. Harshana for R1
Mr. S.R. Gulshankumar for R2

ORDER

The petitioners, who are accused in C.C.No.120 of 2014 facing trial for offences under Sections 420, 406, 294(b) and 506(i) of the IPC before the Judicial Magistrate, Gingee, Villupuram District, has filed this Criminal Original Petition.



2. The case of the prosecution is that the defacto complainant / 2nd respondent lodged a complaint before the 1st respondent police alleging that he had entered into a lease agreement with the 1st petitioner for taking the lodge/hotel on lease and paid a lump sum amount as advance, based on the representation of the 1st petitioner that the lodge possessed a bar licence. Subsequently, as the 1st petitioner was unable to obtain a bar licence for the demised lodge, both parties agreed to cancel the lease agreement. It is further alleged that towards refund of the advance amount, the 1st petitioner issued cheques, which were dishonoured due to insufficient funds. On the complaint given by the 2nd respondent, the 1st respondent Police registered an FIR in Crime No.10 of 2014 for offence under Sections 420, 406, 294(b) and 506(i) of the IPC. On completion of the investigation, the 1st respondent Police filed a charge sheet before the trial Court, listing 9 witnesses and the relevant documents.

3. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the 1st respondent.

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

5. Today the petitioners and the 2nd respondent appeared before this Court



and their identities were confirmed by the 1st respondent Police. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves. The petitioners and the 2nd respondent have filed separate affidavits before this Court and have also filed a Joint Compromise Memo.

6. Under such circumstances, no useful purpose will be served in keeping the First Information Report 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 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 CrI 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., is inclined to quash the proceedings in C.C.No.120 of 2014 on the file of the Judicial Magistrate, Gingee, Villupuram District.

7. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.120 of 2014 on the file of the Judicial Magistrate, Gingee, Villupuram District is quashed against the petitioners.

Neutral Citation: Yes/No
AT

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M.NIRMAL KUMAR, J.

AT

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