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Crl.O.P. No.9883 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2026

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P. No. 9883 of 2026

&

Crl.M.P. Nos. 7071 & 7072 of 2026

1. A. Raja
2. A. Radhakrishnan
3. S. Anand Babu
4. D. Rajesh

..Petitioners

Vs.

1. State rep. by
The Inspector of Police,
City Central Crime Branch,
Tambaram CCB, Chennai – 119.
Crime No. 24/2023.

2. J. Jayakrishnan

..Respondents

Prayer: Criminal Original Petition filed under Section 528 of BNSS to call for the entire records comprised in C.C. No. 508 of 2026 pending on the file of learned Judicial Magistrate Court No.II, at Chengalpet and quash the same as against the petitioners/accused 1 to 4.



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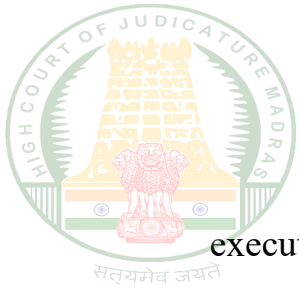
For Petitioners :: Mr.M. Vimal Bobby Crimson

For Respondents :: Mr.R. Rajasekaran
Counsel for Govt. of Tamil Nadu
(Crl.Side) for R1

O R D E R

This criminal original petition is filed to call for the entire records comprised in C.C. No. 508 of 2026 pending on the file of learned Judicial Magistrate Court No.II, at Chengalpet and quash the same as against the petitioners/accused 1 to 4.

2. The case of the prosecution is that the 2nd respondent/de facto complainant and the petitioners are involved in real estate business. The 2nd respondent, with a view to expand his business, approached the petitioners, who were promoting lands for construction and development activities, to procure vacant lands and based on his requirement, the 2nd respondent decided to purchase 20 acres of land in Thaiyur Village. Thiruporur Taluk, Chengalpet District, said to be belonging to petitioners 1 to 3. Pursuant to the same, the parties entered into a Memorandum of Understanding on 11.02.2013 and the 2nd respondent paid an advance of Rs.85,00,000/- to the petitioners. However, the petitioners were delaying the



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execution of sale deed in favour of the 2nd respondent on one pretext or the other. Subsequently, when the 2nd respondent came to know that he has been cheated, he demanded repayment of the advance amount. However, the petitioners threatened him with dire consequences, which led to the filing of the complaint. Based on the complaint, a case in Crime No. 24 of 2023 was registered by the 1st respondent Police for offences under Sections 406, 420 r/w 34 IPC and on completion of investigation, final report was filed listing 11 witnesses and the same was taken cognizance in C.C. No. 508 of 2026 by the learned Judicial Magistrate No.II, Chengalpattu.

3. Learned counsel for the petitioners submitted that there were certain real estate transactions between the petitioners and the 2nd respondent/de facto complainant and that the petitioners have been falsely implicated. According to the learned counsel, it was the complainant, who was unable to mobilise the funds to pay the sale consideration and that was the reason for the delay in execution of the sale deed in his favour. When the petitioners insisted for return of the original title deeds, which had been handed over to the 2nd respondent/de facto complainant, he threatened the petitioners through rowdy elements, which necessitated the petitioners to



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approach the Police. However, during enquiry, the Police Authorities found that the issue involved was civil in nature and hence, the petitioners filed a civil suit in O.S. No. 127 of 2020 before the District Munsif Court, Chengalpattu, seeking return of original title deeds. The said suit was later withdrawn upon return of title deeds. The 2nd respondent, in order to give criminal colour to a civil transaction, filed the present complaint on 25.09.2023 based on which the FIR in Crime No. 24 of 2023 came to be registered. The learned counsel would further submit that petitioners 1 to 3, at the time of grant of anticipatory bail, had deposited Rs.20,00,000/- (Rupees Twenty Lakhs only) before the Court of Judicial Magistrate No.II, Chengalpet, as per the order of this Court dated 19.06.2024 in Crl.O.P. NO. 8698 of 2024 and the 2nd respondent has received the said amount through the Trial Court. Subsequently, the parties have resolved the dispute between them and entered into an amicable settlement. Consequent thereupon, the remaining sum of Rs.65,00,000/- has been paid by the petitioners to the 2nd respondent on 09.11.2024 and the 2nd respondent has also issued a receipt evidencing the same, which finds place at Page No.96 of the typed set of papers. Hence, the learned counsel would pray to allow the criminal original



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petition by quashing the proceedings as against the petitioners based on the settlement entered into between the parties.

4. Learned Government Counsel appearing for the 1st respondent submitted that the petitioners are said to have defrauded the 2nd respondent/de facto complainant of a sum of Rs.85,00,000/- towards purchase of vacant lands and on the complaint given by the 2nd respondent, case was registered and after completion of investigation, final report was laid listing 11 witnesses. He would submit that in the additional/further statement given by the 2nd respondent/de facto complainant recorded under Section 161(3) Cr.P.C., he has stated that petitioners 1 and 3 had come to his office on 09.11.2024, paid Rs.65,00,000/- and obtained a receipt regarding the said payment as well as the original title deeds and that he was also in receipt of Rs.20,00,000/- deposited by petitioners 1 to 3 before the Trial Court, as a condition for grant of anticipatory bail by this Court.

5. Heard the learned counsel for the parties and perused the materials on records.

6. The case is at the stage of trial. Since the entire advance amount paid by the de facto complainant has been settled and the parties



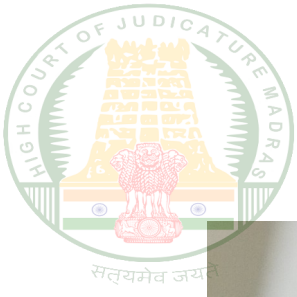
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have now amicably settled the issue among themselves, they seek to quash the proceedings pending against the petitioners. A Joint Memo of Compromise has been filed to that effect.

7. The petitioners and the *de facto* complainant/R2 appeared before this Court and were identified by Ms.K. Sarasu, Inspector of Police, CCB, Tambaram.

8. On interaction by this Court, the *de facto* complainant stated that he has amicably settled the dispute with the petitioners and he is not willing to pursue the criminal proceedings and therefore, seeks to quash the same.

9. The Joint Memo of compromise dated 05.04.2026 filed by the parties is scanned and reproduced below:



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IN THE HIGH COURT OF JUDICATURE AT MADRAS
CRIMINAL SIDE JURISDICTION

Crl.O.P.No. 9883 of 2026

In

C.C No.508 of 2026

(On the file of learned Judicial Magistrate-II, Chengalpattu)

1. A. RAJA(M/40) (A/1)
S/o Arumugam

2.A. RADHAKRISHNAN (M/43) (A/2)
S/o Arumugam
(Both resides in below address)
No.4/3, Pillaiyar Koil Street, Kazhipattur Village,
Padur Post, Thiruporur Taluk, Kanchipuram District

3.S.ANAND BABU(M/36) (A/3)
S/o Samikannu.
No.3/402, Pattuvattaman Koil Street,
Kazhipattur, Kanchipuram-103

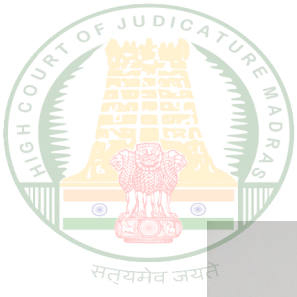
4.D.RAJESH(M/37)(A-4)
S/ Durai,
No.4/13.Pillaiyar Kovil Street,
Kazhipattur,Chennai-103

... Petitioners/Accused-1 to4

-Versus-

1.State Rep by its
THE INSPECTOR OF POLICE,
City Central Crime Branch,
Tambaram CCB, Chennai-119
Crime No.24/2023.

Handwritten signature: A. Raju



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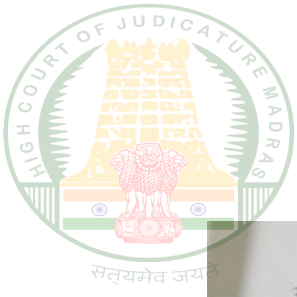
2.J. JAYAKRISHNAN,
S/o Jeyaramaraja,
No.19, Vellaiyan Street, Kotturpuram,
Chennai

... Respondents-1&2

Joint Compromise Affidavit filed by the Petitioner/Accused-1 to 4 and
De-facto Complainant

We, (1) A. Raja (A/1) s/o Arumugam, aged 40 years, (2) A. Radhakrishnan (A/2) s/o Arumugam aged 43 years, both resides in the below address residing at No.4/3, Pillaiyar Koil Street, Kazhipattur Village, Padur Post, Thiruporur Taluk, Kancheepuram District (3) S.Anand Babu (A/3) S/o Samikannu aged 36 years residing at No.3/402, Pattuvattaman Koil Street, Kazhipattur, Kancheepuram-103 and (4) D.Rajesh, (A-4) son of Durai, aged 37 years residing at No.4/13.Pillaiyar Kovil Street, Kazhipattur, Chennai-103 (herein after referred as Accused-1 to 4) and I, J. JAYAKRISHNAN, s/o Jeyaramaraja, aged years residing at No.19, Vellaiyan Street, Kotturpuram, Chennai (here-in referred as Defacto Complainant) and all the above do hereby solemnly and sincerely state as follows

2. We submit that the 2nd Respondent/Defacto Complainant lodged a complaint before the 1st Respondent Police, based on which an FIR in Crime No. 24 of 2023 dated 25.09.2023 was registered for alleged offences under Sections 406, 420 r/w 34 IPC.



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3. We submit that upon completion of investigation, the 1st Respondent filed a final report, and the case is now pending as C.C. No. 508 of 2026 on the file of the Learned Judicial Magistrate-II, Chengalpattu.

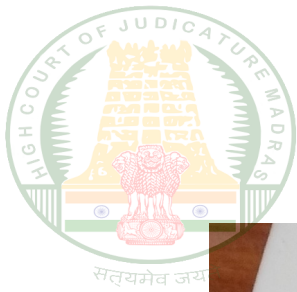
4. We submit that this Hon'ble Court, while considering anticipatory bail, directed the Petitioners to deposit a sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) as a condition to demonstrate bona fides. Accordingly, the Petitioners deposited the said amount vide Receipt Nos. 0459096 dated 16.07.2024, and 0459115 dated 27.08.2024.

5. We further submit that thereafter, the Petitioners and the Defacto Complainant entered into an amicable settlement, and the Petitioners paid the remaining sum of Rs.65,00,000/- (Rupees Sixty-Five Lakhs only).

6. Thus, a total sum of Rs.85,00,000/- (Rupees Eighty-Five Lakhs only) has been fully paid and received by the Defacto Complainant, who has acknowledged the same in full and final settlement.

7. We submit that in view of the settlement, the Defacto Complainant has no surviving grievance against the Petitioners and does not wish to pursue the criminal proceedings any further.

8. We submit that this compromise has been entered into voluntarily in the interest of justice, to maintain peace and harmony between the parties.



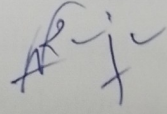
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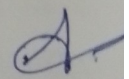
9. We humbly submit before this Hon'ble Court that it may be pleased to record this present joint compromise affidavit and compound the case pending in C.C.No. 508 of 2026 for the punishable offences under section 406, 420 & 34 of IPC., on the file of The Learned Judicial Magistrate Court No.II at Chengalpet and allow this present Quash petition pending on the file of this Hon'ble Court in the interest of justice.

Hence it is therefore prayed before this Hon'ble Court that it may be pleased to consider this Joint compromise affidavit filed by the Petitioner/Accused-1 to 4 and 2nd Respondent/Defacto Complainant and permit them to compound the C.C. No.508 of 2026 for the punishable offences under section 406, 420 & 34 of IPC., on the file of The Learned Judicial Magistrate Court No.II at Chengalpet and QUASH the same and thus render justice.


J. JAYAKRISHNAN.

1.A. RAJA 

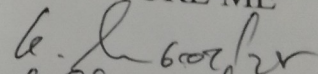
2.A. RADHAKRISHNAN 

3.S.ANAND BABU 

4.D.RAJESH 

Solemnly affirmed at Chennai on
his the 5th day of ~~April~~ ^{June} 2026
and Contents of the affidavit and
signed his name in my presence

BEFORE ME


B. S. R. R. R.
No. 110 law chamber

ADVOCATE: CHENNAI
High court complex
Ch - 104.



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10. Learned Government Counsel appearing on behalf of

the first respondent submitted that though the parties entered into a compromise while this case is pending, this Court, taking into account the seriousness of the offences, has to consider the issue as to whether offences of this nature can be quashed on the ground of compromise between parties.

11. 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 petitioners. 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



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interest even if they get settled between the parties, cannot be quashed by this Court.

12. In the present case, the offences in question is purely individual/personal in nature. It involves dispute between the petitioners and the 2nd respondent and quashing the proceedings will not affect any overriding public interest in this case. Under such circumstances, no useful purpose will be served in continuing with the proceedings 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 Gujarat)**, this Court is inclined to quash the proceedings pending against the petitioners in C.C.No.508 of 2026 on the file of Judicial Magistrate No.II, Chengalpat, in exercise of its jurisdiction under Section 482 Cr.P.C./Section 528 BNSS.

13. This Criminal Original Petition stands allowed and the proceedings in C.C. No. 508 of 2026 pending on the file of Judicial Magistrate No.II, Chengalpat, is quashed as against the petitioners. Connected miscellaneous petitions are closed.



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14. The Joint Memo of Compromise dated 05.04.2026 filed by the petitioners and the 2nd respondent for compromising the offences shall form part of the records.

05.06.2026

nv

To

1. The Judicial Magistrate No.II,
Chengalpat.
2. The Inspector of Police,
City Central Crime Branch,
Tambaram CCB,
Chennai – 119.
3. The Public Prosecutor,
High Court, Madras.



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M. NIRMAL KUMAR,J.

nv

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