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CRL OP No. 10362 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 10362 of 2026

1. Bashir Ahamed

2. Nazir Ahamed

..Petitioner(s)

Vs

1. State rep. by,
Inspector of Police (Crime),
T-4 Madhuravoyal Police Station,
Madhuravoyal Police Station,
Madhuravoyal,
Chennai-600 095.

2. R.Sundaramoorthy

..Respondent(s)

Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 to quash the FIR in Cr.No.182/2026 on the file of the Inspector of Police (Crime), T-4 Madhuravoyal Police Station, Madhuravoyal, Chennai.

For Petitioner(s):

Mr.R.S.Mangala Kumar

For Respondent(s):

Mr.R.Rajasekaran,
Counsel for Government of Tamil Nadu
(Criminal Side) for R1

Mr.N.Ramesh for R2



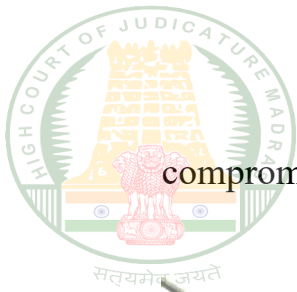
ORDER

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The petitioners who are accused in Crime No.182 of 2026 on the file of the 1st respondent Police, registered for the offences under Sections 406, 420 and 506(1) IPC, have filed the present quash petition.

2.The case of the prosecution is that the 2nd respondent / *de facto* complainant is a B.E. Graduate. The petitioners assured the *de facto* complainant and his father that they will get him a Government Job in PWD or Highways Department and thereby, demanded a sum of Rs.10,00,000/-. Believing the words of the petitioners, the *de facto* complainant paid the sum of Rs.10,00,000/- in six installments to the petitioners. However, later, the *de facto* complainant realised that the petitioners have cheated him by making fake promises. On the complaint lodged by the *de facto* complainant, the 1st respondent Police registered the case in Crime No.182 of 2026 as against the petitioners. To quash the same, the present petition has been filed.

3.Now, learned counsel on either side submitted that the parties have arrived at a compromise on 13.04.2026 and the petitioners have settled the amount of Rs.10,00,000/- to the *de facto* complainant. Accordingly, in order to put an end to the episode, the *de facto* complainant has decided not to proceed further against the petitioner. The parties have filed a joint memo of



compromise, dated 14.04.2026, which is scanned and extracted hereunder :

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Original Jurisdiction)
CrI.O.P.No. 10362 /2026

Against

Crime No. 182/2026

(On the file of the Inspector of Police, T-4 Madhuravoyal Police Station,
Chennai)

1. **Mr. Bashir Ahamed, Aged about 56 years,**
S/o. Syed Jamal,
No.6, Shanjarilla Apartments,
Lakhsmi Nagar, 1st Street,
Alwarthirunagar, Chennai – 600 087.
2. **Mr. Nazir Ahamed, Aged about 49 years,**
S/o. Syed Jamal,
No.6, Shanjarilla Apartments,
Lakhsmi Nagar, 1st Street,
Alwarthirunagar, Chennai – 600 087. ... Petitioners/Accused No.1 & 2

-Vs-

1. State Rep.by
Inspector of Police (Crime),
T-4 Madhuravoyal Police Station,
Madhuravoyal Police Station, Madhuravoyal,
Chennai – 600 095. ...1st Respondent/ Complainant
2. **Mr. R. Sundaramoorthy aged 29 years,**
S/o Mr. Rajendran,
No.05, Appukutty street, Murungapakkam,
Tindivananm Taluk,
Vilupuram District – 604 001. ...2nd Respondent/Defacto Complainant

JOINT MEMO OF COMPROMISE

1. The Petitioners/accused No. 1 and 2 herein has preferred this Criminal Original Petition under section 528 B.N.S.S. seeking this Hon'ble Court to quash the FIR registered in Crime No. 182/2026 for the alleged offences punishable under section 406, 420, 506 (i) of IPC on the file of the Inspector of Police (Crime), T-4 Madhuravoyal Police Station, Madhuravoyal, Chennai.

R. Sundaramoorthy

J. P. M. K.
Q. P. M. K.



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2. It is submitted by the petitioners/accused No. 1 and 2 that the above said case came to be registered against them by mistake of factual things. The allegations levelled by the defacto complainant against the petitioner in the FIR by stating that they have committed cheating was all far away from truth. Mutual understanding was not fulfilled for which FIR was registered.
3. It is submitted that with the view to put an end to the whole episode, the petitioners No.1 and 2 had entered into a compromise on 13.04.2026 with the defacto complainant by settling the agreed amount of Rs.10,00,000/- (Rupees. Ten Lakhs only) to the defacto complainant. Already, on 05.02.2026, a sum of Rs.2,00,000/- (Rupees Two Lakhs only) was deposited in the defacto complainant's A/c.189100050307960, Tamil Nadu Mercantile Bank, Tindivanam, a sum of Rs.3,00,000/- (Rupees Three Lakhs only) was paid by the petitioners/accused No.1 and 2 to the defacto complainant by way of Demand Draft dated 24.03.2026 bearing No.317060 drawn on State Bank of India, Chinmaya Nagar Branch, Chennai and for a sum of Rs.5,00,000/- (Rupees Five Lakhs only) was paid by the petitioners/accused No.1 and 2 to the defacto complainant by way of Demand Draft dated 08.04.2026 bearing No. 036339 drawn on Axis Bank, Virugambakkam, Chennai. At the time of the above said settlement, defacto complainant has affirmed to the petitioners/accused No.1 and 2 that he do not pursue the complaint.
4. It is submitted that as per the terms of the compromise, the defacto complainant has agreed to withdraw the above said F.I.R. Thus in pursuant to the above said compromise, the petitioners/accused No.1 and 2 prefers this criminal original petition to quash the above said FIR. The defacto complainant is signing this joint compromise memo voluntarily without any force or compulsion.

R. Suresh

J. Suresh



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Hence it is prayed that this Hon'ble Court may be pleased to accept this joint compromise memo and pass necessary orders and thus render justice.

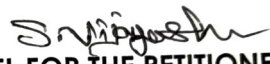
Dated at Chennai on this 14th day of April 2026


DEFACTO COMPLAINANT


PETITIONER/
ACCUSED No.1

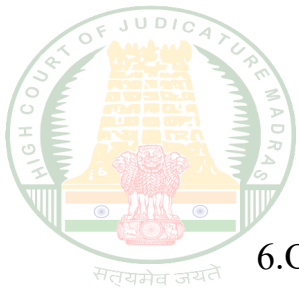

PETITIONER/
ACCUSED No.2


COUNSEL FOR THE DEFACTO
COMPLAINANT


COUNSEL FOR THE PETITIONERS/
ACCUSED No. 1 & 2

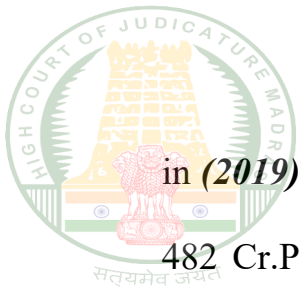
4.Today, the petitioners are present before this Court and the 2nd respondent / *de facto* complainant appeared through video conferencing. They are identified by Mr.S.Suresh Kumar, Sub-Inspector of Police, T-4 Madhuravoyal Police Station.

5.On enquiry, the *de facto* complainant submitted that he has received back the sum of Rs.10,00,000/- (Rupees Ten Lakhs only) from the petitioners and hence, he is willing to settle the matter peacefully and compound the offences as against the petitioners.



6. One important 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 accused. 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. However, considering the facts of the case, it can be seen that the offence in question is purely individual and financial in nature and the parties themselves have now come forward to settle the matter amicably. Therefore, quashing the proceedings will not affect any overriding public interest in this case and no useful purpose will be served in continuing the criminal proceedings. 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 Crl 10**), this Court, in exercise of its jurisdiction under Section 482 Cr.P.C./Section 528 BNSS, is inclined to quash the proceedings pending against the accused.

8. In view of the above, this Criminal Original Petition is allowed and the case as against the petitioners in Crime No.182 of 2026 on the file of the 1st respondent Police, is hereby quashed. The joint compromise memo filed by the parties shall form part of the records.

18-06-2026

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

MKN

To

1. The Inspector of Police (Crime),
T-4 Madhuravoyal Police Station,
Madhuravoyal Police Station,
Madhuravoyal,
Chennai-600 095.

2. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR J.

MKN

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