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Crl.O.P. No.11001 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. 11001 of 2026

1. Ashok Kumar
 2. Mahaveer Chand
- ..Petitioners

Vs.

1. The Inspector of Police,
Sholingur Police Station,
Sholingur, Ranipet District.
(Crime No. 74 of 2026)
 2. Mrs. Parameshwari
- ..Respondents

Prayer: Criminal Original Petition filed under Sections 528 of BNSS to call for the records relating to the case in Crime No. 74 of 2026 pending investigation on the file of the 1st respondent Police and quash the same.

For Petitioners :: Mr.K.G. Senthil Kumar

For Respondents :: Mr.R. Rajasekaran
Counsel for Govt. of Tamil Nadu,
(Crl.Side) for R1
Mr.G.M. Shankar for R2



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ORDER

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The present criminal original petition is filed to to call for the records relating to the case in Crime No. 74 of 2026 pending investigation on the file of the 1st respondent Police and quash the same.

2. The allegation against the petitioners herein, who are running a jewellery and pawn shop in the name and style of M/s. Kowsalyabai Jain @ Ashok Jewellers is that the 2nd respondent herein had pledged her jewels (88gms of gold) and silver items (209 gms) on various dates from 2020 to 2026 with the petitioners. The 2nd respondent had been paying interest for two years and as she was unable to redeem the pledged articles, she requested the petitioners to sell the items pledged by her and to pay the balance amount. At that time, the petitioners had asked her to wait for some more time till there was hike in the gold price so that she could get good returns. Believing their words, the 2nd respondent waited for some more time. Thereafter, on 29.12.2025, the 2nd respondent went to redeem the pledged items along with her brother. At that time, the petitioners had demanded her to pay exorbitant interest @ 2.5%. When the de facto complainant's brother questioned them, the petitioners told that the jewels



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had been auctioned and sold. When the de facto complainant and her brother asked as to the particulars of the auction, the petitioners refused to divulge the details. Hence, the complaint. Based on the complaint, a case in Crime No. 74 of 2026 came to be registered for offences under Sections 316(2), 49 of BNS and Sections 3 and 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003.

3. Learned counsel appearing for the petitioners as well as for the de facto complainant submitted that on intervention of well wishers of both families, the parties have now amicably resolved and settled all the disputes among themselves. Hence, they seek to quash the proceedings pending against the petitioners. Affidavits and a Joint Compromise Memo to that effect have also been filed.

4. The case is at the stage of investigation.

5. The 2nd respondent has paid a sum of Rs.4,90,000/-(Rupees Four Lakhs and Ninety Thousand only) as full and final settlement of all her claim pertaining to the subject matter of FIR and the 1st petitioner has acknowledged the receipt and returned the jewels mentioned in the FIR. The 2nd respondent has also acknowledged for receiving the jewels and both



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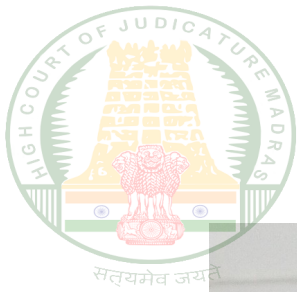
parties have no claim against each other.

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6. The petitioners and the *de facto* complainant/R2 appeared before this Court and were identified by their respective counsel as well as by Mr.D. Sivakumar, SI, Sholingur Police Station.

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

8. The Joint Memo of compromise dated 20.04.2026 filed by the parties is scanned and reproduced below:



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IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Appellate Jurisdiction)

Crl.O.P.No. 11001 of 2026

Against

Crime No. 74 of 2026
(on the file of the 1st Respondent)

1. ASHOK KUMAR, 48 YEARS

S/o. Mahaveer Chand,
No.88, Bazaar Street,
Sholingur,
Ranipet District.

2. MAHAVEER CHAND, 70 YEARS

S/o. Budhraj Jain,
No.88, Bazaar Street,
Sholingur,
Ranipet District.

... Petitioners/ Accused No.1 & 2

Vs

1. THE INSPECTOR OF POLICE,

Sholingur Police Station,
Sholingur,
Ranipet District.

(Crime.No. 74/ 2026)

... Respondent No.1 / Complainant

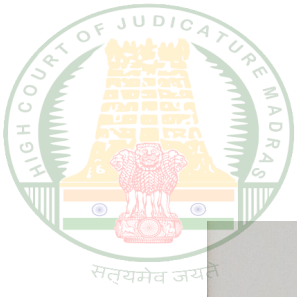
2. MRS.PARAMESHWARI,

D/o. Late.Mani,
No.284, West Pordinpettai Street,
Sholingur,
Ranipet District.

... Respondent No.2 / De-facto Complainant

M. Anand V.
B. Ramesh

M. Lakshmi



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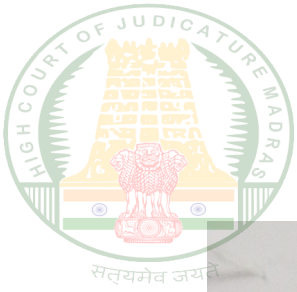
**JOINT MEMO OF COMPROMISE FILED BY THE PETITIONERS/
ACCUSED AND 2ND RESPONDENT/ DE-FACTO COMPLAINANT**

The Petitioners/Accused No.1 & 2, and the 2nd Respondent / de-facto complainant most humbly submits as follows :-

1. The Petitioners/Accused and the 2nd Respondent / de-facto complainant submits that the 2nd Respondent has lodged a complaint which culminated into a FIR in Crime.No.74 of 2026 for offence **316(2), 49 of B.N.S. r/w Sec.3 & 4 Tamil Nadu Prohibition of charging Ex-Orbitant Interest Act** on 25.02.2026 in Crime No.74 of 2026 and the 1st Respondent investigating the same. In view of the amicable settlement between the parties and the Petitioners have returned the jewels Gold 88 gms and Silver 209 gms pledged by the 2nd Respondent, the 2nd respondent has paid a sum of Rs.4,90,000/- (Rupees Four Lakhs Ninety Thousand) towards full and final settlement of all her claims pertaining to the subject matter of FIR and they have no claim against each other, a separate list was enclosed here under for the number of the items returned. In view of the above settlement the 2nd Respondent has consented to withdraw the case against the Petitioners since it is not permissible under law, The Petitioners has approached this Hon'ble Court u/s. 528 of B.N.S. Now that entire issue came to be settled by the way of compromise deed/ Affidavit dated 17.04.2026 entered into between the Petitioners and the 2nd

M. Anand V.
R. S. Sankar.

M. L. Sankar.



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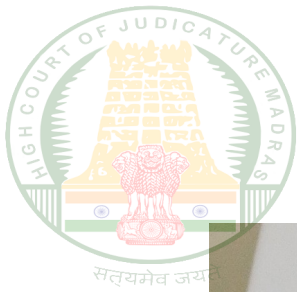
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Respondent. Since, as of now the stage of the case is under investigation, further the offences are non compoundable under Sec.359 of B.N.S.S. Though the settlement was arrived between both and now both the parties had decided to withdraw the case. Hence the present petition came to be filed for quashing the FIR in Crime.No.74 of 2026 and the 2nd Respondent has already given his consent by way of a supporting affidavit, which is filed along with the typed set of papers, which may be treated as part and parcel of this Joint Memo of Compromise.

2. The Petitioners/Accused and the 2nd Respondent / de-facto complainant submits that now they have settled the issue in an amicable manner. In view of the same the 2nd Respondent is withdrawing the case and doesn't want to prosecute the Petitioners. Hence we are filing this Joint Compromise Memo before this Hon'ble court without any threat or coercion and the same may be read as a part and parcel of the quash petition filed by the Petitioners. Both the Petitioners and the 2nd Respondent submit that they would appear before this Hon'ble court along with proper identity (Aadhar Card). It is further submitted that the 2nd Respondent (PARAMESHWARI) has no objection to quash the FIR as against the Petitioner.

M. *[Signature]*
T. *[Signature]*

M. *[Signature]*



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It is therefore prayed that this Hon'ble court may be pleased to accept the Joint Memo of Compromise filed by the Petitioners / Accused and the 2nd Respondent/ De-facto complainant and dispose the above said quash petition filed by the Petitioners / Accused in Crime.No.74 of 2026 pending investigation on the file of the 1st Respondent and pass such further or other orders and thus render justice.

Dated at Chennai on this the 20th day of April 2026.

Petitioners/Accused No.1& 2

M. Jayalalitha
Counsel for Petitioners

1. M. Prakash
2. B. Suresh

M. Jayalalitha
2nd Respondent /
De-facto complainant

V. Jayalalitha
Counsel for 2nd Respondent



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9. 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 offence, has to consider the issue as to whether offences of this nature can be quashed on the ground of compromise between parties.

10. 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.

11. In the present case, the offences in question are 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 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 Gujarat)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the First Information Report in Crime No.74 of 2026 on the file of the 1st respondent Police.

12. This Criminal Original Petition stands allowed and as a sequel, the investigation in Crime No.74 of 2026 on the file of the 1st respondent police, is quashed.



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13. The affidavits and the Joint Memo of Compromise dated 20.04.2026 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 Inspector of Police,
Sholingur Police Station,
Ranipet District.
2. The Public Prosecutor,
High Court, Madras.



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M. NIRMAL KUMAR,J.

nv

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