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CRL OP No. 15397 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-06-2026

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THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 15397 of 2026

1. K.Vinoth

2. U.Senthil

..Petitioner(s)

Vs

1. The State, rep by,
Inspector of Police,
N2-Kasimedu Police Station,
Royapuram, Chennai.

2. K.Sujith

..Respondent(s)

Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to call for the records pertaining to the FIR in Crime No.781 of 2021 on the file of N2 Kasimedu Police Station, Chennai, and quash the same.

For Petitioner(s):

Mr.S.Magimai Raj

For Respondent(s):

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

Mr.J.Jahith Rifai for R2

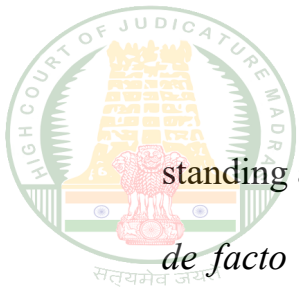


ORDER

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The petitioners, who are the accused in Crime No.781 of 2021 on the file of the 1st respondent Police, registered for the offences under Sections 294(b) 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 an Advocate. In February, 2021, the 1st petitioner approached the *de facto* complainant and his brother one K.R.Selvarajkumar and told that he is going to open a Fish Market at Madhavaram and assured that he will make the *de facto* complainant as a partner. Accordingly, the *de facto* complainant, with the help of his brother, gave a sum of Rs.18,50,000/- to the petitioner on 03.02.2021 and entered into an agreement. It was agreed that the petitioner will return the amount by 20.04.2021. However, even till August, 2021, the petitioner neither returned the amount nor opened the Market. When questioned, the petitioner threatened the *de facto* complainant and his brother. Hence, the *de facto* complainant lodged a Police complaint as against the petitioner. On the assurance given by the petitioner that he will not come in the way of the *de facto* complainant, the *de facto* complainant did not proceed further with the complaint. Thereafter, the *de facto* complainant sent a legal notice to the petitioner with regard to a cheque issued by the petitioner. This being so, on 03.12.2021 at about 09.15 p.m., when the *de facto* complainant was



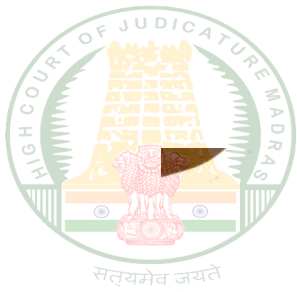
standing at a Tea Shop, the 1st petitioner came in his two wheeler and abused the *de facto* complainant in public and intimidated him for sending legal notice.

Again, shortly thereafter, the petitioners 1 and 2 threatened the *de facto* complainant of dire consequences. Hence, the complaint.

3.By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

4.Learned counsel for the petitioners submitted that the 1st petitioner has agreed to return a sum of Rs.6,00,000/- to the *de facto* complainant to close the financial transaction between them. Hence, he prays for quashing of the FIR.

5.Accordingly, the petitioners have filed the present quash petition accompanied with a joint compromise memo, dated 01.05.2026, filed by the petitioners (A1 and A2) and the 2nd respondent/*de facto* complainant, stating that the parties have decided to resolve the dispute amicably and cordial relationship has been developed and thereby, the *de facto* complainant has come forward to withdraw the criminal case against the petitioners. They have also filed individual affidavits to that effect. The said joint compromise memo is scanned and reproduced hereunder :



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IN THE HIGH COURT OF JUDICATURE AT MADRAS
Cri.OP.No. 15397 of 2026
in

Crime No.781 of 2021
(on the file of the N2-Kasimedu Police Station, Chennai)

1. K.VINOTH AGE-43
son of Mr.Kuppan
No.34, Vinayagapuram, IDH Backside
Othavadai, Tondiarpet, Chennai-600081
2. U.SENTHIL AGE-44
son of Mr.Udayakumar
No.233, F-Block, Jeevarathinam Nagar
Royapuram, Chennai-600013

Vs

... Petitioners/Accused

1. The State, rep by
Inspector of Police,
N2-Kasimedu Police Station
Royapuram, Chennai

...1st Respondent/Complainant

2. K.SUJITH
son of Mr.Kalinkar
8th Block, C14, F203, Prince Village – II
Illaya Street, Tondiarpet
Chennai-600081

...2nd Respondent /De-facto Complainant

JOINT COMPROMISE MEMO

Both the parties begs to submit as follows:

1. Both the Parties submits that the Petitioners are the accused persons in connection with Crime No.781 of 2025 for alleged offences under sections 294(b), 506(1) of IPC, which is registered by the 1st Respondent police, based on the complaint dated 03.12.2021 lodged by the De-facto complainant.
2. Both the Parties further submits that subsequent to the registration of First Information Report in Crime No.781 of 2021, the issues between us were resolved and cordial relationship has been developed, thereby, De-facto complainant [2nd respondent] is coming forward to withdraw the said criminal case by compounding the offences.

K. Senthil

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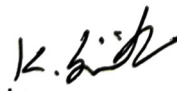
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3. Both the Parties further submits that the 1st Petitioner agreed to return a money to the 2nd Respondent a sum of Rs.6,00,000/- (Rupees Six Lakhs only) to closed the financial transaction between them. Moreover, the 2nd Respondent undertake* to withdraw the case in Crl.A.No.1438 of 2025, on the file of 1st Additional City Civil Court, Chennai against the 1st Petitioner's wife one Mrs.V.Deepa.
4. Both the Parties further submits that since the above case is settled amicably by both the parties, both the parties had come forward to quash the case in FIR in Crime No.781 of 2025 pending on the file of 1st Respondent Police, N2-Kasimedu Police, Chennai and signed the present joint compromise memo.

In these circumstances, it is humbly prayed that this Hon'ble Court may be pleased to accept this Joint compromise memo filed by both the parties to compromise the offences in Crime No.781 of 2021 pending on the file of the 1st Respondent Police, N2-Kasimedu Police, Chennai and quash the same and thus render justice.

Dated at Chennai on this 1st day of May 2026


**2nd Respondent/
De-facto complainant**


Counsel for 2nd Respondent


Petitioners/Accused


Counsel for Petitioners



6.Learned Government Counsel (Criminal Side) appearing for the 1st respondent Police brought to the notice of this Court that the case has been closed by the learned XVI Metropolitan Magistrate, George Town, Chennai, on 15.06.2024.

7.Today, the petitioners (A1 and A2) and the 2nd respondent / *de facto* complainant appeared before this Court and they are identified by Mr.S.Veerabahu, HC-7887, N-2 Kasimedu Police Station. The 2nd respondent / *de facto* complainant submitted that he is not willing to prosecute the petitioners any further.

8.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.

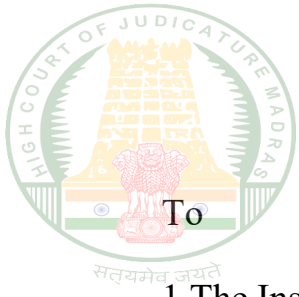
9.However, considering the facts of the case, it can be seen that the offence in question is purely individual in nature and the parties themselves have now come forward to settle the matter amicably. Therefore, quashing the proceedings will not affect any overriding public interest in this case and 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.

10.In view of the above, this Criminal Original Petition is allowed and the case as against the petitioners in Crime No.781 of 2021 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,
N2-Kasimedu Police Station,
Royapuram, Chennai.

2. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR J.

MKN

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