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CRL OP No. 15045 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. 15045 of 2026

T.G.Gowthaman

..Petitioner(s)

Vs

1. The Inspector of Police,
District Crime Branch,
Kanchipuram,
Kanchipuram District.
Crime No.11/2025

2. Vasanthi

..Respondent(s)

Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to call for the records relating to the FIR in Crime No.11 of 2025 pending investigation on the file of the 1st Respondent and Quash the same.

For Petitioner(s):

Mr.K.G.Senthilkumar

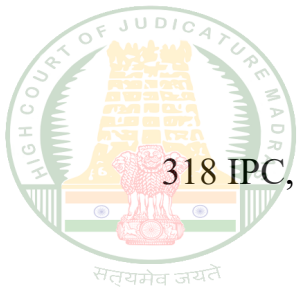
For Respondent(s):

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

Mr.S.Natraj for R2

ORDER

The petitioner/sole accused in Crime No.11 of 2025 on the file of the 1st respondent Police, registered for the offences under Sections 316, 336, 340 and

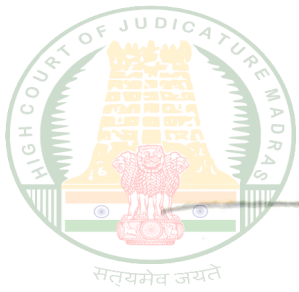


318 IPC, has filed the present quash petition.

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2.The case of the prosecution is that the 2nd respondent/*de facto* complainant, her mother Devaki and others executed a registered General Power of Attorney vide Doc.No.1106 of 1982, dated 25.09.1982, in favour of the petitioner to sell their land in Old S.No.477/4, Patta No.43, New S.No.477/4A1A1A, admeasuring 85 Cents, situated at Valarpuram Village, Sriperumbudur Taluk, Kancheepuram District. Subsequently, the *de facto* complainant's mother Devaki died on 13.04.2004. However, the *de facto* complainant came to know that the petitioner has sold the subject land to one Vasuki vide registered sale deed in Doc.No.7260 of 2025, dated 20.05.2025. During registration of the same, the petitioner has projected as if the *de facto* complainant's mother Devaki was alive and has affixed the photo of some other person in the place of Devaki and has managed to enclose a Life Certificate. He has also forged the Life Certificates of other Principals and has executed a registered sale deed without the knowledge of the Principals. On the complaint lodged by the *de facto* complainant, the case in Crime No.11 of 2025 came to be registered by the 1st respondent Police as against the petitioner.

3.Now, the petitioner/accused has filed the present quash petition on the basis of the settlement reached between the parties. He has also enclosed the joint memo of compromise, which is scanned and reproduced hereunder :



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

Crl.O.P.No. 15045 of 2026

Against
Crime No. 11 of 2025
(on the file of the 1st Respondent)

T.G. GOWTHAMAN, 66 YEARS

S/o. Ganapathy,
No.11, Pandithurai Devar Street,
Maraimalar Nagar,
Chengalpet District.

... Petitioner/ Single Accused

Vs

1. THE INSPECTOR OF POLICE,

District Crime Branch,
Kanchipuram,
Kanchipuram District.

(Crime.No. 11/ 2025) ... Respondent No.1 / Complainant

2. MRS.VASANTHI,

W/o. Sriramalu,
No.148, Kaliyamman Koil Street,
Virugambakkam,
Chennai.

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

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

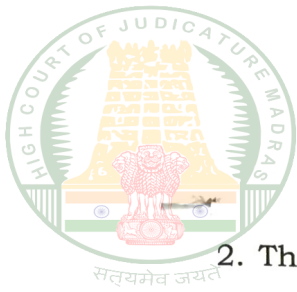
The Petitioner/Accused, and the 2nd Respondent / de-facto complainant most humbly submits as follows:

1. The Petitioner/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.11 of 2025 for offence u/s. **316, 336, 340, 318 of B.N.S. on 10.10.2025**



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and the 1st Respondent is investigating the same. In view of the amicable settlement between the party and the Petitioner there was a proposal to settle the issue as per the terms the Petitioner has sufficiently compensated the 2nd Respondent and other Legalheirs of Mrs.Devaki @ Angammal and a sum of Rs.75,00,000/- was paid to all the legal heirs and the legal heirs of Mrs.Devaki @ Angammal had executed a sale deed in favour of the said Vasuki for the 2nd time. Since the property was reconveyed after receiving the sale consideration the 2nd Respondent who had set the criminal law in motion doesn't want to prosecute the Petitioner. In view of the above settlement the 2nd Respondent has consented to withdraw the case against the Petitioner since it is not permissible under law, The Petitioner have 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 27.04.2026 entered into between the Petitioner and the 2nd 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.11 of 2025 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.

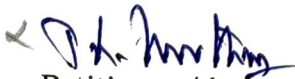


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2. The Petitioner/Accused and the 2nd Respondent / de-facto complainant submits that now they have settled the issue in an amicable manner. In view of the same the 2nd Respondent is withdrawing the case and doesn't want to prosecute the Petitioners. 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 Petitioner 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 (MRS.VASANTHI) has no objection to quash the FIR as against the Petitioner.

It is therefore prayed that this Hon'ble court may be pleased to accept the Joint Memo of Compromise filed by the Petitioner / Accused and the 2nd Respondent/ De-facto complainant and dispose the above said quash petition filed by the Petitioner / Accused in Crime.No.11 of 2025 pending investigation on the file of the 1st Respondent and pass such further or other orders and thus render justice.

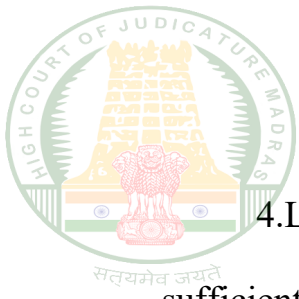
Dated at Chennai on this the 27 day of April 2026.


Petitioner/Accused


Counsel for Petitioner


2nd Respondent / De-facto complainant

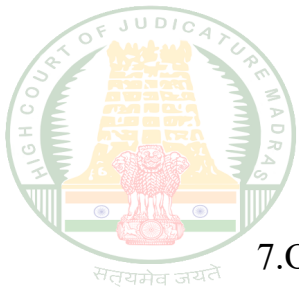

Counsel for 2nd Respondent



4.Learned counsel on either side submitted that the petitioner has sufficiently compensated the 2nd respondent and other legal heirs of Devaki and a sum of Rs.75,00,000/- has been paid to all the legal heirs. The legal heirs of Devaki had executed a sale deed in favour of the said Vasuki for the second time. Since the property was re-conveyed after receiving the sale consideration, the 2nd respondent / *de facto* complainant, who had set the criminal law in motion, does not want to prosecute the petitioner.

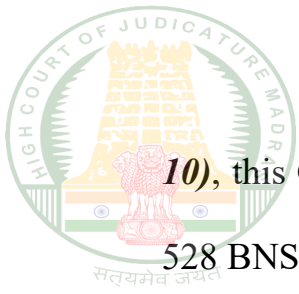
5.Learned Government Counsel (Criminal Side) appearing for the 1st respondent Police submitted that the investigation in this case has been completed and since the entire consideration has been paid to the *de facto* complainant and settlement has been arrived, further action has been dropped and the same has been filed before the learned Judicial Magistrate No.1, Kancheepuram, vide FRC No.4/2025 dated 20.11.2025.

6.Today, the petitioner and the 2nd respondent / *de facto* complainant appeared before this Court and they are identified by their respective counsel. In support of the joint memo of compromise, the parties reiterated that they have settled the matter and the entire consideration has been paid to the 2nd respondent / *de facto* complainant. Hence, they are willing to compound the offences. They have filed individual affidavits to that effect.



7. 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.

8. 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 CrI**



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.

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9. In view of the above, this Criminal Original Petition is allowed and the case as against the petitioner in Crime No.11 of 2025 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,
District Crime Branch,
Kanchipuram,
Kanchipuram District.
2. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR J.

MKN

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