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CRL OP No. 15244 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. 15244 of 2026
AND
CRL OP NO. 15247 OF 2026**

1. Sathishkumar
2. Prakash
3. Nagarajan
4. Sangilipandi

..Petitioner(s)

Vs

1. The State Rep By,
The Inspector of Police
Palladam Police Station,
Tiruppur.
Crime No.105 of 2026

2. K S Udhayakumar

..Respondent(s)

CRL OP No. 15247 of 2026

1. Koothabiran
2. K S Udhayakumar
3. Shanmugasundram

..Petitioner(s)

Vs

1. The State Rep By,
Inspector of Police
City Crime Branch Police Station,



Tiruppur.
Crime No.06 of 2026.

2. Subhathradevi

..Respondent(s)

CRL OP No. 15244 of 2026

Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to call for the records pertaining to Crime No.105 of 2026 on the file of the respondent Police and quash the same.

CRL OP No. 15247 of 2026

Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to call for the records pertaining to Crime No.06 of 2026 on the file of the respondent police and quash the same.

CRL OP No. 15244 of 2026

For Petitioner(s): Mr.R.Vivekananthan

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

M/s.L.Srileka for R2

CRL OP No. 15247 of 2026

For Petitioner(s): M/s.L.Srileka

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

Mr.R.Vivekananthan for R2



COMMON ORDER

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The accused in Crime No.105 of 2026 on the file of the Palladam Police Station, Tirupur District, registered for the offences under Sections 308(5), 127(8) and 140(2) of BNS, 2023, have filed the quash petition in Crl.O.P.No.15244 of 2026.

2.The accused in Crime No.6 of 2026 on the file of the City Crime Branch, Tiruppur, registered for the offences under Sections 61(2) and 318(4) of BNS, 2023, have filed the quash petition in Crl.O.P.No.15247 of 2026.

3.For the sake of convenience, the parties shall be referred to by their names.

4.The case of Udhayakumar / *de facto* complainant in Crl.O.P.No.15244 of 2026 is that, he is doing real estate business. In the course of his business, he used to borrow money from Sathish Kumar (A1). Accordingly, on 20.12.2024, he borrowed a sum of Rs.1 Crore and 10 Lakhs from Sathish Kumar and he repaid the amount of Rs.1 Crore on 08.03.2025. However, Sathish Kumar demanded to pay interest at the rate of Rs.50,000/- per day, which, Udhayakumar agreed to pay in installments. While so, on 01.02.2026, Sathish Kumar called upon Udhayakumar to come for a site visit. Pursuant thereto, on



02.02.2026, Udhayakumar, his driver Pandurangan and friend Vignesh went along with Sathish Kumar in the car of Vignesh. After some time, Sathish

Kumar started driving the Car and thereby, he took the *de facto* complainant and two others to a lonely garden at Ammapalayam, where, several persons surrounded them and assaulted them. Thereafter, they were taken in individual cars to Bungalow Club Resort, Onapalayam, and were confined in different rooms. There, Udhayakumar was assaulted and was intimidated to transfer his land at Avinasi to Sathish Kumar and obtained his thumb impression under compulsion. Thereafter, Sathish Kumar took Pandurangan to the house of Udhayakumar and took away all the documents and his Swift Car. After three days of confinement, on 04.02.2026, Udhayakumar somehow managed to send a message to his son through WhatsApp, pursuant to which, the Thondamuthur Police came to the spot and rescued Udhayakumar and two others. Thereafter, the statement of Udhayakumar was recorded and accordingly, the case in Crime No.105 of 2026 came to be registered.

5.The case of Subathradevi / *de facto* complainant in Crl.O.P.No.15247 of 2026 is that one Koothabiran (A1) is the friend of her husband. The said Koothabiran, along with his friends Udhayakumar (A2) and Shanmugasundaram (A3), taking advantage of the ill health of her husband, approached Subathradevi and proposed that they would establish a Petrol Bunk in the lands of Subathradevi in S.No.53/1A2, 58/2C3, 58/2C1, 58/1 and 57/3C



at Avinashi, admeasuring 1 Acre and 96 Cents, and make her a partner in the business. Subathradevi also agreed to that and they obtained licence for the

Petrol Bunk in the name of “Sri Fuels”. She sold her jewels to buy petrol pumps and other amenities required for the Bunk. Still, Koothabiran said they were in need of Rs.3 Crores and they need to raise a Bank loan. To undertake such works, Koothabiran said that they need to go to several places and thereby, asked Subathradevi to execute Power of Attorney in his favour. Believing the same, Subathradevi executed a document on 06.03.2025 registered as Doc.No.3383 of 2025, without reading the contents in a haste. However, thereafter, the works were not progressing and when enquired, there was no proper response from Koothabiran. Hence, Subathradevi decided to settle the property in favour of her sons and when she verified the encumbrance, she came to know that the document registered on 06.03.2025 vide Doc.No.3383 of 2025 was not a General Power of Attorney, but a Sale Deed conveying the property to him for a valid consideration paid by way of a cheque. However, Subathradevi has neither received any cheque nor deposited any cheque in her Bank account. She further came to know that the said Koothabiran, on the very next day itself, i.e., on 07.03.2025, had executed registered sale deeds in favour of Udhayakumar and Shanmugasundaram. Hence, alleging that the said Koothabiran and others have cheated her on a false promise and grabbed her property worth about Rs.50 Crores, Subathradevi lodged a complaint with the City Crime Branch Police Station, based on which, the case in Crime No.6 of



2026 came to be registered.

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

7.It is submitted that the said Koothabiran (A1 in Crime No.6 of 2026) filed a bail petition before this Court in Crl.O.P.No.10668 of 2026. This Court, by order dated 28.04.2026, granted interim bail subject to condition that the accused shall cancel the sale deed obtained in his favour and clear the encumbrances at his cost. Pursuant to the order of this Court, Koothabiran has executed a Deed of Cancellation on 20.05.2026, cancelling the sale deed obtained in his favour in Doc.No.3383 of 2025 dated 06.03.2025. Further, Subathradevi / *de facto* complainant has also agreed to pay a sum of Rs.5 Crores to Koothabiran as full and final settlement between the parties. Udhayakumar (*de facto* complainant in Crime No.105 of 2026) has also now come forward to settle the matter amicably with Sathish Kumar and other accused.

8.Learned counsel on either side submitted that, in view of the above understanding, the issues between the parties have now been resolved and a cordial relationship has been developed. Accordingly, the accused in both the cases have filed the present quash petitions along with joint memoranda of compromise, dated 07.05.2026, which are scanned and reproduced hereunder :



The joint memo of compromise filed in Crl.O.P.No.15244 of 2026 is as under :

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Crl.O.P. No 15244 of 2026

In

Crime No. 105 of 2026
(on the file of the Respondent Police)

1. Sathishkumar (M/A- 42 yrs)
S/o. Ponnusamy,
No. 361(8), SKR Nagar,
Mangalam Road,
Palladam,
Tiruppur District.

2. Prakash, (M/A - 35 yrs),
S/o. Palanisamy,
No. 8 A, ACE City Garden,
Collefge Road,
Anaipalayam,
Gandhi Nagar,
Tiruppur.

3. Nagarajan, (M/A - 38 yrs),
S/o. Muniyandi,
No. 1671/C2, Sri Balaji Nagar,
Panangadi Road,
Sivaganga,
Tamilnadu - 630 561.

4. Sangilipandi, (M/A - 38 yrs),
S/o. Nagu Servai,
No 641 Sundarapuram,
Agraharam Mariyamman, Kovil Street,
Manamadurai,
Sivaganga,
Tamilnadu - 630 606.

... 1st to 4th Petitioner's /Accused -1- 4.
-Vs-

1. State Rep By
Inspector of Police
Palladam Police Station
Tiruppur District
Crime No.105 Of 2026

---1st Respondent/ Complainant

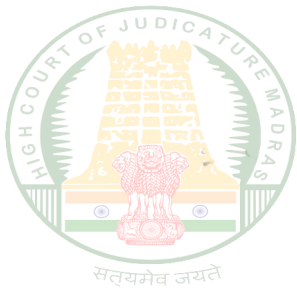
2. K S Udhayakumar (M/A-43 years)
S/o Soundarrajan,

1) P. Sathish Kumar
2) P. Prakash

K. S. Udhayakumar

3) P. Nagarajan

4) P. Sangilipandi



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No.1/51, Ammani Ammal Street,
Kungumpalayam
Ganapathipalayam,
Tiruppur.

...2nd Respondent / De-facto complainant

JOINT COMPROMISE MEMO

Both the parties begs to submit as follows:

1. Both the parties submit that the 1st Petitioner to 3rd Petitioner have been arrayed as accused in Crime No. 105 of 2026 for the alleged offences under section 308(5), 127(8), and 140(2) of BNS, 2023 based on the complaint lodged by the Defacto Complainant.
2. Both the Parties further submit that subsequent registration of a case in Crime no. 105 of 2026 by the 1st Respondent, the issues between them were resolved and a cardinal relationship has been developed, thereby, Defacto complainant is coming forward to withdraw the said criminal case by compounding the offences.
3. 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 Crime no. 06 of 2026 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. 105 of 2026, and quash the same and thus render justice.

Dated at Chennai ^{7th} on this day of May 2026.

1. Sathishkumar, (A1)

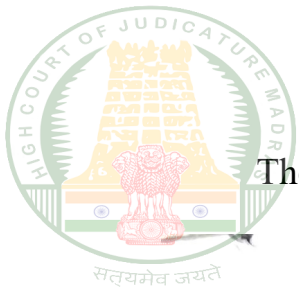
2. Prakash, (A2)

3. Nagarajan, (A3)

K. S. Udhayakumar
(2nd Respondent / De-facto complainant)

4. Sangilipandi, (A4)

Counsel for Petitioners



The joint memo of compromise in Crl.O.P.No.15247 of 2026 is as under :

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Crl.O.P. No 15247 of 2026

In

Crime No. 6 of 2026

(on the file of the Respondent Police)

1. Koothabiran (M/A- 56 yrs)
S/o Velayutham,
No.34/127, Duraisamy Nagar,
Extension, Rakkiyapalayam,
Thirumuruganpoondi,
Tiruppur- 641 652.

2. K S Udhayakumar (M/A-43 years)
S/o Soundarrajan,
No.1/51, Ammani Ammal Street,
Kungumpalayam
Ganapathipalayam,
Tiruppur.

3. Shanmugasundram, (M/A - years)
S/o. SUBramaniyam,
No. 2/113A, Karumapallayam,
Thiruppur - 641 654.

... 1st to 3rd Petitioner / Accused -1- 3.
-Vs-

1. State Rep By
Inspector of Police
City Crime Branch Police Station
Tirupur City
Crime No.06 Of 2026

---1st Respondent/ Complainant

2. Subhathradevi (F/A- 59 Years)
W/O Gopal,
No. 12/67, Jayalakshmi Rice Mill Compound
Behind Sangeetha Theatre
Krishnapuram, Somanur
Sulur Taluk
Coimbatore - 641 668.

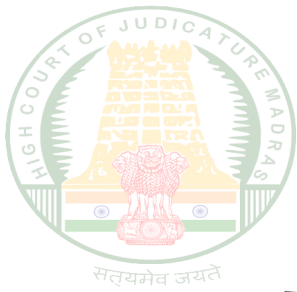
...2nd Respondent / De-facto complainant

1) *[Signature]*

2) *[Signature]*

3) *[Signature]*

4) *[Signature]*

**JOINT COMPROMISE MEMO**

Both the parties beg to submit as follows:

1. Both the parties submit that the 1st Petitioner to 3rd Petitioner have been arrayed as accused in Crime No. 06 of 2026 for the alleged offences under section Sections 61(2) and 318(4) of BNS, 2023 based on the complaint lodged by the Defacto Complainant.
2. Both the Parties further submit that subsequent registration of a case in Crime no. 06 of 2026 by the 1st Respondent, the issues between them were resolved and a cardinal relationship has been developed, thereby, Defacto complainant is coming forward to withdraw the said criminal case by compounding the offences.
3. 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 Crime no. 06 of 2026 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. 06 of 2026, and quash the same and thus render justice.

Dated at Chennai ^{7th} on this day of May 2026.

1. Koothabiran, (A1)

K. L. Udayakumar

2. K S Udhayakumar, (A2)

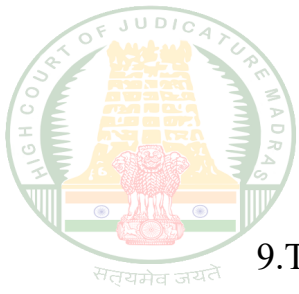
Shanmugasundram

3. Shanmugasundram, (A3)

G. Suptha
Subhathradevi,

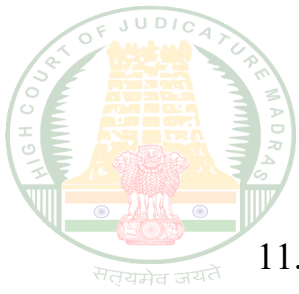
(2nd Respondent / De-facto complainant

L. Senthil
Counsel For Petitioner



9. Today, the petitioners/accused in both the cases and the 2nd respondent / *de facto* complainants in both the cases appeared before this Court and they are identified by their respective counsel. The *de facto* complainants in both the cases submitted that they have settled the issues and are willing to compound the offences as against the accused persons.

10. 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.



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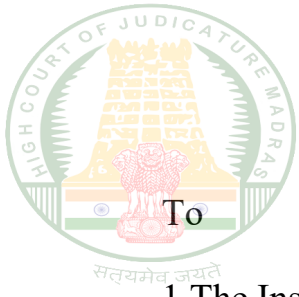
11. However, considering the facts of the case, it can be seen that the offence in question is purely individual in nature based on financial transactions and the parties themselves have now come forward to settle the matter amicably. Therefore, quashing the proceedings will not affect any overriding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

12. In view of the above, these Criminal Original Petitions are allowed and both the cases in Crime No.105 of 2026 on the file of the Palladam Police Station and Crime No.6 of 2026 on the file of the City Crime Branch Police Station, Tiruppur, are hereby quashed as against all the accused. 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
Palladam Police Station,
Tiruppur.
2. The Inspector of Police
City Crime Branch Police Station,
Tiruppur.
3. The Public Prosecutor,
High Court, Madras.



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CRL OP No. 15244 of 2



M.NIRMAL KUMAR J.

MKN

**CRL OP No. 15244 of 2026
AND
CRL OP NO. 15247 OF 2026**

18-06-2026