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CRL OP No.3736 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2026

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 3736 of 2026

1.Rajendran
S/o.Lakshmipathy,
No.23, Moogambigai Nagar,
Mettupalayam, Minjur – 601 203.

2.Sairam
S/o.Rajendran
No.23, Moogambigai Nagar,
Mettupalayam, Minjur – 601 203.

Petitioners/A1 & A2

Vs

1.The State rep by
Inspector of Police,
E-3, Minjur Police Station,
TH Road, Ponneri, Minjur,
Thiruvallur.
(Crime No.338 of 2024)

2.Nagalakshmi
W/o.Venkata Subbarao,
No.3/4A, Charles Nagar Main Road,
Thiruvottiyur, Thiruvallur – 600 019.

Respondents

PRAYER: The Criminal Original Petition filed under Section 528 of BNSS, 2023, praying to call for the records pertaining to F.I.R. No.338 of 2024 on the file of the respondent police and quash the said First Information Report.

For Petitioners :

Mr.A.Nafies



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CRL OP No.3736 of 2026

For Respondent-1: Mr.Leonard Arul Joseph Selvam
Additional Public Prosecutor
For Respondent-2 : Mr.S.D.Balamurugan

ORDER

The petitioners/A1 and A2 in Crime No.338 of 2024 for offence under Section 406, 420 and 506(ii) of I.P.C. has filed this quash petition.

2.The case against the petitioners is that the second respondent/defacto complainant, Nagalakshmi, W/o.Venkata Subbarao lodged a complaint stating that her husband is running a mobile recharge shop in Thiruvottiyur. She was making savings from the amount given by her husband and was interested to purchase a housing plot. Since her neighbour Suseela, Nurse purchased a housing plot in Mettupalayam Jothi Nagar in Thandumariamman Nagar through broker, she approached the first petitioner/Rajendran of M/s.L.R. Enterprises, who is into a real estate business, in the year 2015. The first petitioner informed that in Thandumariamman Nagar, he identified Plot No.6 and thereafter on 22.03.2015 he received advance of Rs.50,000/- in presence of Suseela. The first petitioner issued a bill for receipt of advance amount. Later the first petitioner informed that Plot No.6 was promised to be sold to some other person and hence, he showed alternate Plot No.25 and informed the value of the property is Rs.3,60,000/-. After adjusting earlier advance paid, he received another



Rs.50,000/- on 27.06.2015 and Rs.1,10,000/- on 27.07.2015 and another Rs.50,000/- on 26.08.2015, in total, Rs.2,60,000/- paid and receipt received and for registration and other expenses, he received Rs.1,40,000/-. When he was asked to register the property he was delaying by giving one reason or other. During August, 2021, the defacto complainant went to the petitioners' house at that time, his wife Lalitha Devi promised that within a short period, the other plot would be registered or money would be repaid. Later it was found that the property at Thandumariamman Nagar does not belong to the first petitioner and it belong to one Pattabi and Jagadeeshwararao as Power of Attorney had been selling the plots there. On coming to know that the first petitioner cheated the defacto complainant, she requested the money to be repaid. At that time the first petitioner and his son Sairam/second petitioner threatened the defacto complainant. Hence, lodged a complaint and a case in Crime No.338 of 2024 for offence under Sections 406, 420 and 506(ii) of I.P.C. registered.

3.The contention of the petitioner is that petitioner as realtor was dealing with the property, selling plots and giving money to the owners of the plots. Later it was came to know that there was some confusion in the layout and rival claim was made by one Pattabi and revenue records being verified. The defacto complainant lodged a complaint and the petitioners filed anticipatory bail in Crl.O.P.No.16088 of 2024 and this Court by order dated



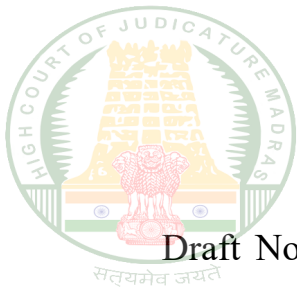
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09.07.2024 granted anticipatory bail to the petitioners and one of the conditions

is that both the petitioners to deposit a sum of Rs.2,50,000/- to the credit of Crime No.338 of 2024 within a period of two weeks. Thereafter, the petitioners filed Crl.M.P.Nos.10938 and 10939 of 2024 seeking extension of time and modification. This Court, by order dated 02.08.2024 directed the petitioners to deposit a sum of Rs.1,50,000/- to the credit of Crime No.338 of 2024 and extended the time for another two weeks. Further the second respondent/defacto complainant was directed to withdraw the amount after filing an undertaking affidavit before the Lower Court.

4.The learned counsel for petitioners submitted that now the issue between the petitioner and the defacto complainant resolved and they agreed to repay the amount of Rs.4,00,000/-. During Anticipatory bail, a sum of Rs.1,50,000/- deposited to the credit of Crime No.338 of 2024 and the petitioner paid Rs.1,00,000/- through Demand Draft bearing No.218769 dated 27.11.2025 drawn on State Bank of India and the balance amount of Rs.1,50,000/- agreed to be paid when the defacto complainant appears in the quash petition and give no objection to quash the case in Crime No.338 of 2024.

5.Pursuant to the same, the petitioners paid the balance amount of Rs.1,50,000/- by way of two demand drafts dated 09.03.2026, viz., Demand



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Draft No.21885 for a sum of Rs.50,000/- and Demand Draft No.21884 for a sum of Rs.1,00,000/-. The second respondent/defacto complainant also acknowledged receipt of the same. A scanned reproduction of the demand drafts read as follows:

41 (LIST - II) - Crl. OP No: 3736/2026.

Key: VUCMEW Sr. No: 190469

09032026
D D M M Y Y Y Y

या उनके आदेश पर
OR ORDER

9
8
7
6
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1

जारी करने वाला भारतीय स्टेट बैंक
Issuing Branch: MAJOR Bank of India
कोड नं. /CODE No: 15493
Tel No.

मांगे जानेपर NAGALAKSHMI
A/C Payee
ON-DEMAND PAY
रुपये RUPEES
Fifty Thousand Only

मांग द्राफ्ट
DEMAND DRAFT

IOI 000576218885
Name of Applicant
Key: VUCMEW Sr. No: 190469
Sairam Rajendiran

अदा करें ₹ 50000.00

AMOUNT BELOW 50001(0/5)

मूल्य प्राप्त / VALUE RECEIVED

कम्प्यूटर द्वारा मुद्रित होने पर ही वैध
VALID ONLY IF COMPUTER PRINTED

केवल 3 महीने के लिए वैध
VALID FOR 3 MONTHS ONLY

भारतीय स्टेट बैंक
STATE BANK OF INDIA
अदाकर्ता शाखा / DRAWEE BRANCH:CCPC, CHENNAI
कोड नं. /CODE No: 10395

प्राधिकृत हस्ताक्षरकर्ता
AUTHORISED SIGNATORY

₹ 1,50,000/- एवं अधिक के लिखत दो अधिकारियों द्वारा हस्ताक्षरित होने पर ही वैध है।
INSTRUMENTS FOR ₹ 1,50,000/- & ABOVE ARE NOT VALID UNLESS SIGNED BY TWO OFFICERS

218885 0000020000: 000576 16

Key: VUBMEV Sr. No: 181490

09032026
D D M M Y Y Y Y

या उनके आदेश पर
OR ORDER

9
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3
2
1

जारी करने वाला भारतीय स्टेट बैंक
Issuing Branch: MAJOR Bank of India
कोड नं. /CODE No: 15493
Tel No.

मांगे जानेपर NAGALAKSHMI
A/C Payee
ON-DEMAND PAY
रुपये RUPEES
One Lakh Only

मांग द्राफ्ट
DEMAND DRAFT

IOI 000576218884
Name of Applicant
Key: VUBMEV Sr. No: 181490
Sairam Rajendiran

अदा करें ₹ 100000.00

AMOUNT BELOW 100001(0/6)

मूल्य प्राप्त / VALUE RECEIVED

कम्प्यूटर द्वारा मुद्रित होने पर ही वैध
VALID ONLY IF COMPUTER PRINTED

केवल 3 महीने के लिए वैध
VALID FOR 3 MONTHS ONLY

भारतीय स्टेट बैंक
STATE BANK OF INDIA
अदाकर्ता शाखा / DRAWEE BRANCH:CCPC, CHENNAI
कोड नं. /CODE No: 10395

प्राधिकृत हस्ताक्षरकर्ता
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INSTRUMENTS FOR ₹ 1,50,000/- & ABOVE ARE NOT VALID UNLESS SIGNED BY TWO OFFICERS

218884 0000020000: 000576 16

218885 0000020000: 000576 16

09.03.2026

K-NAGALAKSHMI



Thus, the entire amount of Rs.4,00,000/- paid to the defacto complainant.

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6. The petitioners and the *de facto* complainant/second respondent appeared before this Court and they were identified by Mr.K.Senthil, SSI, E3-Minjur Police Station.

7. On being enquired by this Court, the parties confirmed the compromise entered between them. The second respondent/defacto complainant confirmed the receipt of Rs.4,00,000/- and agreed for the compromise and has got no objection to quash the above case. Affidavits and a Joint Memo of Compromise to that effect have also been filed.

8. The learned Additional Public Prosecutor appearing on behalf of the first respondent police submitted that though the parties entered into a compromise while this case is pending, this Court, taking into account the seriousness of the offences, has to consider the issue as to whether the offences of this nature can be quashed on the ground of compromise between parties.

9. 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 interest even if they get settled between the parties, cannot be quashed by this Court.

10. In the present case, the offences in question are purely individual/personal in nature. It involves dispute between the petitioner and the second respondent and quashing the proceedings will not affect any overriding public interest in this case and no useful purpose will be served in continuing with the criminal proceedings. In view of the above, this Court is inclined to quash the First Information Report in Crime No.338 of 2024, pending on the file of the first respondent police, in exercise of its jurisdiction under Section 482 Cr.P.C./Section 528 BNSS.

11. Accordingly, the Criminal Original Petition is allowed and the First Information Report in Crime No.338 of 2024, pending on the file of the first



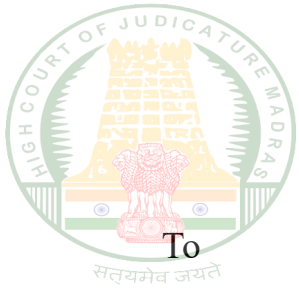
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respondent police, is quashed as against the petitioners. The petitioners are discharged of all the charges.

12. The affidavits and the Joint Memo of Compromise filed by the petitioners and the second respondent for compromising the offences shall form part of the records.

15.04.2026

Index : Yes/No
Speaking order/Non-speaking order
Neutral citation : Yes/No
rsi



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To

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1. The Inspector of Police,
E-3, Minjur Police Station,
TH Road, Ponneri, Minjur,
Thiruvallur.

2. The Public Prosecutor
High Court, Madras.



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M.NIRMAL KUMAR, J.

rsi

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