



Crl.O.P(MD).No.286 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 09/01/2026

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THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

CRL OP(MD). No.286 of 2026
and Crl.M.P(MD).No.278 of 2026

Kalyani @ Kalyana Sundaram

... Petitioner

Vs

1.State of Tamil Nadu,
rep., by the Inspector of Police,
DCB Police Station,
Tirunelveli.
In Crime NO.17 of 2025

2.Perumal

... Respondents

PRAYER :-Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to the impugned FIR in Crime No.17 of 2025 on the file of the respondent police dated 01.11.2025 and quash the same as illegal.

For Petitioner	: Mr.SMA.Jinnah
For R1	: Mr.S.Ravi
	Additional Public Prosecutor
For R2	: Ms.S.Shamini



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ORDER

This Criminal Original Petition is filed under Section 528 BNSS, seeking to quash the First Information Report in Crime No.17 of 2025 dated 01.11.2025 on the file of the respondent police.

2.The case of the prosecution is that on 02.09.2011 the defacto complainant /second respondent has purchased Plot Nos.88 to 95 in Naveen Nagar, Palayamkottai, from the petitioner vide Doc.No. 7892/2011 based on E.C.NO.6240 dated 15.07.2011, which shows there is no encumbrance regarding the aforesaid plots from the year 2000 to 2011. Thereafter, in the year 2024, when the defacto complainant tried to sell the plots, to his shock and dismay, came to know that certain plots were unlawfully sold to certain persons. In this regard, the defacto complainant asked the petitioner, however he expressed that he had no knowledge about the same. Thereafter, the defacto complainant lodged complaint and FIR in Crime No.17 of 2025 came to be registered.



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3. Admittedly, the petitioner and the second respondent are known to each other and they have now resolved the dispute amicably. A Joint Compromise Memo dated 08.01.2026 has been filed before this Court.

4. The petitioner and the second respondent / defacto complainant are present before this Court in person and are identified by Ms.S.Kaliammal, DCB Police Station, Tirunelveli District. The defacto complainant has categorically stated that he does not wish to pursue the FIR against the petitioner. This Court is satisfied that the compromise is voluntary and not the result of any coercion or undue influence.

5. The law relating to quashment of criminal proceedings on the basis of compromise between the parties is well settled. In *Gian Singh v. State of Punjab*, the Hon'ble Supreme Court authoritatively held that the inherent power of the High Court under Section 482 CrPC is of wide amplitude and may be exercised to quash criminal proceedings even in respect of non-compoundable offences, provided the dispute is essentially private in nature and the quashment would secure the ends of justice. The Court, however, drew a clear distinction between offences



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arising out of personal or matrimonial disputes, commercial transactions and similar private wrongs, and serious or heinous offences having grave impact on society, holding that the latter category cannot ordinarily be quashed merely on the basis of a settlement.

6.The said principles were succinctly crystallised in ***Parbatbhai Aahir v. State of Gujarat***, wherein the Supreme Court, after surveying the earlier precedents, laid down broad propositions governing the exercise of inherent jurisdiction on the basis of compromise. It was emphasised that the paramount consideration is whether the continuance of the criminal proceedings would be unfair or contrary to the interests of justice, and whether the dispute predominantly bears a civil or private character, rendering the possibility of conviction remote and bleak.

7.In ***State of Madhya Pradesh v. Laxmi Narayan***, the Supreme Court reiterated and clarified the limitations on such power, holding that offences of a serious nature, particularly those involving mental depravity, grave violence, or offences against society at large, cannot be quashed on the basis of compromise, even if the parties have amicably



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settled the dispute. The Court further cautioned that while examining compromise quash petitions, the High Court must consider the nature and gravity of the offence, the conduct of the accused, and the stage of the proceedings, and the overall impact on society and must satisfy itself that the settlement is voluntary and not the result of coercion or undue influence.

8.Applying the aforesaid principles to the facts of the present case, this Court has carefully examined the nature and gravity of the allegations, the relationship between the parties, the conduct of the petitioner, the stage of the proceedings, and the voluntary nature of the compromise.

9.The dispute in question is predominantly private in character and does not involve any offence having serious or grave impact on society at large. In view of the compromise arrived at between the parties, the possibility of conviction is rendered remote and bleak. Continuation of the criminal proceedings would therefore serve no useful purpose and would amount to an abuse of the process of Court.



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10. Accordingly, the impugned FIR in Crime No.17 of 2025 dated 01.11.2025 on the file of the respondent police is quashed insofar as the petitioner is concerned and the Criminal Original Petition stands allowed. Consequently, connected Miscellaneous Petition is closed.

09.01.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Rmk

To

1. The Inspector of Police,
DCB Police Station,
Tirunelveli.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI,J

Rmk

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Date : 09/01/2026