

N.SUBHAM SHARMA Vs The State Rep by its

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Court : Chennai

Decided On : Feb-25-2026

Judge : Honourable Mr Justice a.D.Jagadish Chandira

Appeal No. : CRL OP/4445/2026

Appellant : N.Subham Sharma

Respondent : The State Rep by its

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-02-2026

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA AND CRL MP
NO. 3153 OF 2026,CRL MP NO. 3154 OF 2026

1. N.Subham Sharma S/o.Naththilal Sharma, Near Chatuas Baba
Mandir, Bankhandi Road, Gopal Pura, Morena, Madhya Pradesh - 476
001.

2. O.Deepak Kumar S/o.Om Prakash Prasad, Badraji, Navada, Bihar - 805 106.

3. R.Raj Gound S/o.Ram Kishore, Basti, Utter Pradesh - 272 001.

4. B.Neeraj Gurjar

S/o.Baijnath Singh, Vivakand Colony, Genashpura, Morena, Madhya Pradesh - 476001. The Petitioners 1 to 4 above are Temporarily residing at No.25/26, Krishna Temple Road, Dodabomasandra, Vidharanyapura, Bengaluru - 560 097. ..Petitioner(s) Vs Page1 of 8

1. The State Rep by its Inspector of Police, Cyber Crime Police Station Puducherry.

2. Ramesh Kumar

S/o.Palanisamy, No.211, 4th Main Road, Mahaveer Nagar, Karuvadikuppam, Lawspet, Puducherry - 605 008. ..Respondent(s)
PRAYER : Petition filed under Section 528 of BNSS r/w. 482 of Cr.P.C., to call for the entire records relating to the impugned Charge Sheet in C.C.No.806/2025, pending on the file of the Chief Judicial Magistrate, Puducherry and quash the same. For Petitioner(s): Mr.N.Murali Kumaran, Sr.Counsel for Mr.J.Vinoth For Respondent(s): Mr.M.V.Ramachandra Murthy, Public Prosecutor, Govt. of Puducherry, Assisted by Mr.A.Alexander, G.A. (Puducherry) for R1 Mr.S.Subramaniya for R2

Order

The present Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.806 of 2025, pending on the file of the Chief Judicial Magistrate, Puducherry, on the basis of the compromise arrived at between the petitioners and the de facto complainant/second respondent. Page2 of 8

2. Heard both sides and perused the materials available on record.

3. Based on the complaint given by the de facto complainant/R2, a

case in Crime No.70 of 2024 was registered on the file of the first respondent Police against the petitioners, for the offences under Sections 419 and 420 of IPC and Section 66D of Information Technology Act, 2000. After completion of investigation, a charge sheet was filed and taken cognizance of as aforesaid.

4. The learned Senior Counsel for the petitioners submitted that the

petitioners are the employees of one Sharp Jobs and Employment Solutions Private Limited, a registered Company. Other than being employed and having carried out the instructions of the seniors in the Company, the petitioners have not committed any offence as alleged by the prosecution. The de facto complainant has given a complaint against the Company that he was cheated to the tune of Rs.17,71,000/-. Due to the pending case, the petitioners have lost their jobs and they are not able to go for employment and hence, in order to come out of the case, they have compromised the matter with the de facto complainant and they have settled the said amount to the de facto complainant by pooling out the money among themselves. Apart from that, an additional amount of Rs.1,00,000/- has also been paid to the de facto complainant. He further submitted that respondents have not impleaded the Managing Director or the other Directors of the Company as accused in this case. Now since the

Page 3 of 8 parties have compromised the matter, no useful purpose would be served by keeping the proceedings pending against the petitioners. The parties have also filed affidavits and compromise memo to that effect.

5. The learned counsel appearing for the de facto complainant

submitted that the de facto complainant was present yesterday and his presence was also noted by this Court and he is not present today. He further submitted that the de facto complainant has amicably settled the

dispute with the petitioners and he is not willing to pursue the criminal proceedings and therefore, seeks to quash the same.

6. The learned Public Prosecutor, Government of Puducherry,

submitted that apart from this case, the petitioners have cases pending against them in Kerala in Crime No. 170 of 2024 before Idukki Police Station and another case is pending in Tamil Nadu in Crime No.264 of 2024 on the file of CCB I, Chennai. He further submitted that though the parties have 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 offences of this nature can be quashed on the ground of compromise between parties.

7. In reply, the learned Senior Counsel for the petitioners submitted that for the case pending on the file of the Idukki Police Station, the petitioners Page4 of 8

have got compromised with the de facto complainant and a compromise quash petition is pending before the Kerala Court. The case pending before the CCB I, Chennai, has been closed as further action dropped (FAD).

8. This Court directed Mr.K.M.D.Muhilan, learned Additional Public

Prosecutor, to find out the status of the case registered by CCB I, Chennai in Crime No.264 of 2024 and he, on instructions from CCB I, submitted that further action had been dropped in Crime No.264 of 2024.

9. The petitioners appeared before this Court and were identified by their counsel as well as by the first respondent police.

10. 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 Page5 of 8

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

11. In the present case, the offences in question are purely

individual/personal in nature. It involves dispute between the petitioners 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 proceedings pending against the petitioners in C.C.No.806 of 2025, pending on the file of the Chief Judicial Magistrate, Puducherry, in exercise of its jurisdiction under Section 482 Cr.P.C./Section 528 BNSS.

12. Accordingly, this Criminal Original Petition stands allowed and

the proceedings in C.C.No.806 of 2025, pending on the file of the Chief Judicial Magistrate, Puducherry, is quashed as against the petitioners. Connected miscellaneous petitions are closed.

13. 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. 25-02-2026 Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No GSK Page6 of 8 To

1. The Chief Judicial Magistrate, Puducherry.

2. The Inspector of Police, Cyber Crime Police Station Puducherry. Page7 of 8
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