

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.06.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.O.P.No.12177 of 2016

1.Sudhakar

2.Ranjith

.... Petitioners/Accused 1 & 2

Vs.

State rep by

1.The Inspector of Police,
M-2, Madhavaram Milk Colony Police Station,
Madhavaram, Chennai.

2.Murugan

3.Vijay

.... Respondents /Complainant/Defacto
Compliance & injured Witness

Criminal Original Petition filed under Section 482 of Cr.P.C., to call for records and quash the Charge Sheet pending committal PRC.No.7 of 2014 on the file of the Judicial Magistrate, Tiruvottiyur, as an abuse of process of law.

For Petitioners : Mr.C.V.Kumar

For 1st Respondent : Mr.C.Emalias, APP

O R D E R

This petition has been filed to quash the Charge Sheet in PRC.No.7 of 2014 which is pending committal, on the file of the learned Judicial Magistrate, Tiruvottiyur.

2. Heard the learned counsel for the petitioners; learned Additional Public Prosecutor appearing for the 1st respondent and perused the materials placed on record.

3. On the complaint lodged by Murugan, the 1st respondent police registered a case in Crime No.277 of 2011 and after completing investigation, filed final report in PRC.No.7 of 2014 before the learned Judicial Magistrate, Tiruvottiyur for offences under Sections 341, 307 and 506[ii] IPC against

Sudhakar and Ranjith, the petitioners herein. Challenging which, they are before this Court for quashing the prosecution, on the ground that the parties have arrived at a compromise.

4. The Hon'ble Supreme Court in State of M.P. Vs Manish - 2015[3] MWN [Cr.] 1 [SC] has stated that offence under Section 307 IPC should not be routinely quashed, on the ground that the parties have arrived at a compromise. However, in certain circumstances, where it is shown that an offence under Section 307 IPC itself has not been made out; and that the accused are not antisocial elements; the circumstances under which the occurrence had taken place, this Court can quash the prosecution, on the ground that the parties have arrived at a compromise.

5. In this case, the final report shows that the accused and the de facto complainant were drawing water from a public tap, during which time, a quarrel arose between them. It is alleged that the accused had attacked the de facto complainant. The de facto complainant and his friend Vijay were treated as outpatient and the police have not even recorded the statement of the Doctor, to speak about the nature of injuries suffered by them. As regards the accused, they have no previous antecedents and they are not antisocial elements.

6. Today, Murugan/de facto complainant and Vijay are present before this Court. The parties have filed joint compromise memo, wherein, it is stated as follows:

"The petitioners state that based on the complaint given by de facto complainant case was registered in Crime No.277/2011 for an offence u/s.341 and 307 IPC and subsequently after investigation charge sheet was laid before the Judicial Magistrate, Tiruvotriyur, Chennai, for an offence u/s.341 and 307 IPC altered to 341, 307 and 507[iii] IPC in PRC.No.7 of 2014 pending committal before the lower court and the matter between the petitioners and the de facto complainant has been amicably settled. It is respectfully prayed that the charge sheet against the petitioners may be quashed. The petitioners submit that now with the help of elders the accused and the complainant have compromised each other and they have settled the issues amicably between themselves and the complainant also do not want to proceed further in the above matter.

Hence it is prayed that this Hon'ble Court may be pleased to permit the petitioner and the de facto

complainant to compromise the above matter since the matter has been amicably settled between themselves and thus render justice."

7. In view of the above, this petition is allowed and the proceedings in PRC.No.7 of 2014 on the file of the learned Judicial Magistrate, Tiruvottiyur is hereby quashed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1.The Judicial Magistrate,
Tiruvottiyur.
 - 2.-Do-Thro The Chief Judicial Magistrate,
Thiruvallur District.
 - 3.The Inspector of Police,
M-2, Madhavaram Milk Colony Police Station,
Madhavaram, Chennai.
 - 4.The Public Prosecutor,
High Court, Madras.
- +3cc to Mr.C.V.Kumar, Advocate Sr.36991

सत्यमेव जयते Cr1.O.P.No.12177 of 2016

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srg 23/07/2016

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