

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2016

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. No.21784 of 2016 & Crl.M.P. Nos.10083 and 10084 of 2016

1 Mohan
2 Mohan Kannan
Petitioners

vs.

1 The Inspector of police
K-6, T.P. Chatram Police Station
Chennai 600 010
(Crime No.658/2015)

2 Jeeva
Respondents

Criminal Original Petition filed under Section 482, Cr.P.C. seeking to call for records pertaining to the proceedings pending in C.C. No.3569/2015 on the file of the V Metropolitan Magistrate Court, Egmore, Chennai and quash the same.

For petitioners Mr. V.G. Anbarasu
For R1 Mr. C. Emalias, Addl. Public Prosecutor
For R2 Mr. C. Balasubramanian

ORDER

This Criminal Original Petition has been filed seeking to call for the records pertaining to the proceedings pending in C.C. No.3569/2015 on the file of the V Metropolitan Magistrate Court, Egmore, Chennai and quash the same.

2 Mohan (A1) is a painting contractor, under whom, Mohan Kannan (A2) and the deceased Krishnamoorthy were working as Supervisor and Painter respectively. Mohan (A1) had taken painting contract from the Corporation of Chennai and had employed Mohan Kannan (A2) and his brother Krishnamoorthy as Supervisor and Painter respectively. While so, when Krishnamoorthy was painting, he slipped and fell on the roof, which gave way and he succumbed to injuries. Pursuant thereto, on the complaint made by Krishnamoorthy's wife Jeeva, the second respondent herein, the first respondent police registered a case in Crime No.658 of 2015 under Section 174 Cr.P.C. and thereafter, filed a final report in C.C. No.3569 of 2015 before

the V Metropolitan Magistrate Court, Egmore, Chennai under Section 304-A IPC against Mohan (A1) and Mohan Kannan (A2), for quashing which, the accused are before this Court on the ground that they and the second respondent/de facto complainant have arrived at a compromise.

3 Today, Mohan (A1), Mohan Kannan (A2), Jeeva (de facto complainant) and her two children are present and they are identified by Mr. Jebasingh, Sub Inspector, K-6, T.P. Chatram Police Station, who is also present before this Court.

4 By a memo of compromise dated 03.09.2016, the petitioners/accused had agreed to pay a sum of Rs.4.25 lakhs as compensation to the family of the deceased Krishnamoorthy, pursuant to which, a sum of Rs.50,000/- has already been paid. Today, a sum of Rs.3.75 lakhs has been paid to Jeeva, by way of three demand drafts bearing nos.223975, 223976 and 223977 dated 18.10.2016 drawn on Bank of Baroda, as stated in the supplementary memo of compromise, as under:

1. The 2nd respondent/de facto complainant Mrs. Jeeva submits that in the above case already she and the petitioners/accused had filed the memo of compromise dated 03.09.2016 to settle their issue amicably and the same was filed before this Hon'ble High Court, in that the petitioners/accused undertake to issue a demand draft for a sum of Rs.3,75,000/- to and in her favour, now the 2nd respondent/de facto complainant requesting the petitioners/accused to divide the above said a sum of Rs.3,75,000/- as three demand drafts 1. for a sum of Rs.2,00,000/- to and in favour of Mrs. Jeeva, 2. for a sum of Rs.75,000/- to and in favour of her son Mr. K. Karthik, 3. for a sum of Rs.1,00,000/- to and in favour of her daughter Miss. Keerthana, the same was accepted by the petitioners/accused and had taken three demand drafts separately in their names. 1. Demand draft bearing no.223975 for a sum of Rs.2,00,000/- to and in favour of Mrs. Jeeva, 2. Demand draft bearing No.223977 for a sum of Rs.75,000/- to and in favour of Mr. K. Karthick, 3. Demand draft bearing no.223976 for a sum of Rs.1,00,000/- to and in favour of Ms. K. Keerthana all the demand drafts dated 18.10.2016, drawn on Bank of Baroda, Choolaimedu, Chennai, further the petitioners/accused undertake to hand over the same to them before this Hon'ble Court at the time of allowing the quash petition, the same was also accepted by the second respondent/de-facto complainant.

The above said parties prays this Hon'ble High

Court to treat this supplementary memo of compromise as a part and parcel of the memo of compromise dated 03.09.2016 filed by them in the above case."

5 That apart, even on a reading of the final report, it is seen that the deceased Krishnamoorthy and his brother Mohan Kannan (A2) were engaged in painting work and at that time, Krishnamoorthy incidentally slipped and fell down. There are no materials to show that the accused had done anything that had resulted in the death of Krishnamoorthy.

In view of the above, the prosecution in C.C. No.3569 of 2015 is hereby quashed and this Criminal Original Petition is allowed. Connected CrI.M.Ps. are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad

To

1 The Inspector of police
K-6, T.P. Chatram Police Station
Chennai 600 010

2 The V Metropolitan Magistrate
Egmore
Chennai

3 The Public Prosecutor
Madras High Court
Chennai 600 104

+1cc to Mr.V.G. Anbarasu, Advocate, S.R.No.59680

sk(CO)
md(4/11/2016)

CrI.O.P. No.21784 of 2016