



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P. (MD) No.2388 of 2017

and

Crl.M.P. (MD) Nos.1882 and 1883 of 2017

1.Moses Gabriel

2.Chandrasekar @ Chandru

3.Ramakrishnan @ Bala

4.Jones Sunilkumar

: Petitioners

-Vs-

1.The Inspector of Police,
Thattarmadam Police Station,
Thoothukudi District.

2.Bright Smith

: Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the records in P.R.C.No.2 of 2017, dated 27.10.2016, on the file of the Judicial Magistrate Court, Sathankulam, Thoothukudi District, and quash the same as illegal.

For Petitioners : Mr.V.Rajiv Rufus

For Respondent No.1 : Mr.A.P.Balasubramani,
Government Advocate (Crl.side)

For Respondent No.2 : Mr.M.M.Manivelpandian

O R D E R

On the complaint lodged by the second respondent, the first respondent registered a case in Crime No.138 of 2016 and after completing the investigation, has filed a charge sheet in P.R.C.No.2 of 2017 before the learned Judicial Magistrate, Sathankulam, Thoothukudi District against the petitioners herein for offences under Sections 341, 294(b), 506(2) and 307 of the Indian Penal Code, for quashing which, the petitioners are before this Court on the ground that they have arrived at a compromise with the *defacto* complainant.

2. Today, when the matter was taken up for hearing, Mr.C.Johnson, Special Sub-Inspector of Police, Thattarmadam Police Station, is present. The *defacto* complainant is present and the



petitioners are also present and their identifications were also verified by this Court, in addition to the confirmation of the identity of the parties by the learned Government Advocate (Criminal side) through Mr.C.Johnson, Special Sub-Inspector of Police, Thattarmadam Police Station.

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3. Under normal circumstances, a charge sheet under Section 307 of the Indian Penal Code cannot be quashed on the ground that the parties have arrived at a compromise. However, in **Narinder Singh v. State of Punjab** reported in **2014(2) MLJ (Cr1.) 365 (SC)**, the Supreme Court has stated that the prosecution under Section 307 of the Indian Penal Code can be quashed, if certain conditions exist. In this case, it is the case of the prosecution that the *defacto* complainant was working in the Studio of A-3 and that when the *defacto* complainant asked for his salary, he is said to have been abused by A-3 and his friends and that when A-1 attempted to attack him with a knife, the *defacto* complainant ducked and avoided getting injured. There are no previous cases against these petitioners. The *defacto* complainant was not injured at all. The dispute is essentially with regard to payment of salary between the *defacto* complainant and A-3.

4. The *defacto* complainant has filed an affidavit dated 05.04.2017, wherein, it is stated as follows:

"1. That I am the 2nd Respondent/Defacto Complainant and well acquainted with the facts and I am competent to swear this Affidavit.

2. It is respectfully submitted that I came to know that the petitioners have filed this petition for quashing the charge sheet in P.R.C.No.2 of 2017 registered u/s.341, 294(b), 506(2) and 307 IPC on the file of the learned Judicial Magistrate Court, Sathankulam, Thoothukudi District dated 27.10.2016. I am shown as Defacto Complainant in the said complaint.

3. It is respectfully submitted that inadvertently I became the Defacto Complainant in the said case as per the instruction of police. Further we realized our mistake and settled the same with the help of our elders. Since all the petitioners/Accused Nos.1 to 4 are my friends and we have no personal grudges each other, I don't want to pursue the said complaint and I give my consent at my free will without any coercion to close the above mentioned case."

5. In view of the above, this Court is of the opinion that no useful purpose would be served in keeping the matter pending. Therefore, this petition is allowed and the entire proceedings in P.R.C.No.2 of 2017, on the file of the learned Judicial Magistrate, Sathankulam, Thoothukudi District, in respect of all the accused including those who are not before this Court are hereby quashed. The affidavit dated 05.04.2017 shall form part of



this order. Consequently, the connected miscellaneous petitions are closed.

6. At the instance of the learned counsel for the petitioners, the petitioners themselves voluntarily came forward to contribute some amount for the purpose of removal of Seemai Karuvelam Trees.

7. Accepting the submission, the petitioners are directed to pay a sum of Rs.500/- (Rupees Five Hundred only) **each**, to the credit of Indian Bank Savings Account No.6514082295, operated by the Registrar (Administration), Madurai Bench of Madras High Court, Madurai, for the purpose of removal of Seemai Karuvelam Trees, within a period of two weeks from today. After making payment, a copy of the challan shall be furnished to the Registrar (Administration), Madurai Bench of Madras High Cour, Madurai.

Sd/-

Assistant Registrar(Co)

/True copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate Court,
Sathankulam,
Thoothukudi District.

2.The Inspector of Police,
Thattarmadam Police Station,
Thoothukudi District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

4.The Registrar (Administration),
Madurai Bench of Madras High Cour, Madurai.

+5cc's to Mr.V.Rajiv Rufus, Advocate in SR.No:50270

SML

AE/RR/24.04.2017/3P/10C

Order made in
CRL.O.P. (MD) No.2388 of 2017
Dated: **05.04.2017**