



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P. (MD) No.2551 of 2017

WEB COPY

Ilamaram : Petitioner/Sole Accused

-Vs-

1.State represented by
The Inspector of Police,
Paramakudi Taluk Police Station,
Ramanathapuram District.
(In Cr.No.246/2016) : 1st Respondent/Complainant

2.Senthoorpandi : 2nd Respondent/Defacto Complainant

3.Balamurugan : 3rd Respondent/Injured Person

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to call for the records of the impugned F.I.R. in Crime No.246/2016 u/s 294(b), 506(ii) and 307 I.P.C. on the file of the respondent police and quash the same as against the petitioner.

For Petitioner : Mr.R.Murugan
For Respondent No.1 : Mr.A.P.Balasubramani,
Government Advocate (Crl.side)
For Respondents 2 & 3 : Mr.P.Subbaiya and
Mr.M.chinnathambi

O R D E R

It is the case of the defacto complainant that the petitioner/accused threatened him with dire consequences and attempted to murder the third respondent by attacking him with stick. On the strength of the complaint given by the defacto complainant, the respondent police registered a case in Crime No.246 of 2016 under Sections 294(b), 506(ii) and 307 of the Indian Penal Code against the accused, to quash which, both the accused and the defacto complainant are before this Court with the present petition on the ground that they have arrived at the compromise.

2.In Narinder Singh v. State of Punjab [(2014) 2 MLJ (Crl) 365 (SC)], the Hon'ble Supreme Court has stated that the offence under Section 307 I.P.C. would fall under the category of serious and heinous crime and therefore, it should be treated as a crime against the society and not against an individual. However, the Hon'ble Supreme Court has stated that prosecution under Section 307 I.P.C. can also be quashed in certain circumstances.



3. In the instant case, the incident had taken place during Kabaddi Match and that there is no previous case against the petitioner and the petitioner is also stated to be a B.E. Graduate.

4. Today, when the matter was taken up for hearing, Mr.K.Muruganantham, Sub-Inspector of Police, Paramakudi Taluk Police Station, Ramanathapuram District, is present. The petitioner and the defacto complainant are present before this Court 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.K.Muruganantham, Sub-Inspector of Police, Paramakudi Taluk Police Station, Ramanathapuram District.

5. The parties have also filed a joint compromise memo, wherein it is stated as follows:

"The petitioner and the 2nd and 3rd respondents have taken the well advice of the elders, relatives and well wishers of their village and entered into a compromise, amicably settling the dispute.

The 2nd and 3rd respondents submit that they do not want to pursue the case and they have filed a supporting affidavit in this regard.

The petitioner and 2nd and 3rd respondents jointly submit that this impugned FIR may be quashed based on the compromise arrived at amongst themselves."

6. In view of the above, this Petition is allowed and the entire proceedings in Crime No.246 of 2016 on the file of the first respondent, are hereby quashed. The petitioner is directed to do Social Service at "Kuruji Anbu Illam, Vanasankarai Amman Koil Street, Ramanathapuram" on Saturdays and Sundays from 9.00 a.m. to 5.00 p.m. beginning from 25.03.2017 till 23.04.2017. A copy of this order may be marked to the said Kuruji Anbu Illam and the incharge of Kuruji Anbu Illam is requested to send a report on the conduct of the petitioner to this Court after 23.04.2016. The joint compromise memo dated 07.03.2017 shall form part of this order.

sd/
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

<https://hcservices.courts.gov.in/hcservices/>
1. The Inspector of Police,
Paramakudi Taluk Police Station,
Ramanathapuram District.



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

3.Kuruji Anbu Illam,
Vanasankarai Amman Koil Street,
Ramanathapuram.

+1CC TO M/S.R.MURUGAN Advocate,SR.NO.13422

COPY TO:

1.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

2.The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

For getting the report, on directed by this Court.

Order made in
CRL.O.P.(MD) No.2551 of 2017
09.03.2017

JM/CM MSA/SAR 2/16.03.2017/3P/7C