



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.299 of 2017

1.M.Rethinasabapathy
2.Kumar @ Udhayakumar
3.Natarajan
4.Pavunraj

: Petitioners/Accused Nos.1 to 4

-Vs-

1.The Sub Inspector of Police,
Thirukokarnam Police Station,
Pudukottai,
Pudukottai District.

(In Cr.No.13 of 2011)

: 1st Respondent/Complainant

2.Narayanan

: 2nd Respondent/Defacto Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to call for the records pertaining to the Charge Sheet in Crime No.13 of 2011 on the file of the Respondent No.1, dated 20.08.2011 and quash the same as illegal.

For Petitioner : Mr.T.Lajapathi Roy

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

For Respondents No.2 : Mr.M.Saravanan

O R D E R

It is the case of the *defacto* complainant that petitioners 2 and 3 attacked him and petitioners 1 and 4 scolded him in filthy language. On the strength of the complaint given by the *defacto* complainant, the respondent police registered a case in Crime No.13 of 2011 under Sections 294(b), 307 and 341 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 (Cr1) 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 can also be quashed in certain circumstances.

3. In the instant case, the accused have gone to the hospital for taking meals and the defacto complainant joined them. When one of the accused wanted to gargle water and came out to spit, it had accidentally fallen on the defacto complainant. When the defacto complainant questioned it, quarrel arose, in which the accused had assaulted the defacto complainant with sticks. The nature of injury suffered by the defacto complainant is not head injury and the wound certificate shows that he suffered simple injury in his right thumb.

4. Today, when the matter was taken up for hearing, Mr. Saminathan, Sub-Inspector of Police, Thirukokarnam Police Station, Pudukottai District, is present. The petitioners 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. Saminathan, Sub-Inspector of Police, Thirukokarnam Police Station, Pudukottai.

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

"4. That the petitioners have settled the dispute amicably with the Defacto Complainant in the presence of elderly persons out of the court and now there is no problem between the Petitioners and the Defacto Complainant. Hence, the Charge Sheet may be quashed on the ground that the matter has been settled.

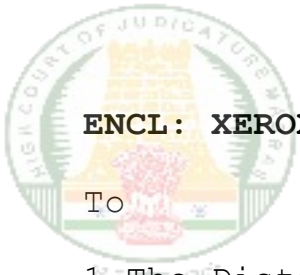
5. Now both the parties decided to withdraw all the allegations made against each other and have settled the dispute amicably in the presence of elderly persons. Hence, the Charge Sheet may be quashed on the ground that the matter has been settled."

6. In view of the above, this Petition is allowed and the entire proceedings in Crime No.13 of 2011 on the file of the 1st respondent, as against the petitioners, are hereby quashed on condition that the petitioners shall pay each a sum of Rs.5,000/- (Rupees Five Thousand only) (Totally Rs.5,000/- x 4 Rs.20,000/-) as cost to Chellamuthu Trust, K.K. Nagar, Madurai, within a period of one week from the date of receipt of a copy of this order and file a memo in the Registry. The joint compromise memo dated 02.01.2017 shall form part of this order.

Sd/-

Assistant Registrar (RTI)

/True copy/



ENCL: XEROX COPY OF JOINT COMPROMISE MEMO ENCLOSED.

To

1.The District Munsif cum Judicial Magistrate,
Pudukkottai.

2.The Sub Inspector of Police,
Thirukokarnam Police Station,
Pudukkottai,
Pudukkottai District.

3.The Officer Incharge,
Chellamuthu Trust,
K.K. Nagar, Madurai

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

+1 cc to M/s.T.Lajapathi Roy, Advocate in SR.No. 13491

sj

CSL/BS/16.03.2017 : 3P/6C

Order made in
CRL.O.P. (MD) No.299 of 2017
09.03.2017