

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 02.05.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH**Crl.O.P. (MD) No.4654 of 2017**

1.Ranjithkumar
2.Pothairaj
3.Sundrapandi
4.Vanaraja
5.Pradeep

... Petitioners / Accused 1 to 5

Vs.

1.State rep by the
The Inspector of Police,
Elumalai Police Station,
Madurai District.
(Crime No.96/2014)

2.Karuthapandi

... Respondents / Complainants

Prayer : Criminal Original Petition is filed under section 482 of Criminal Procedure Code, praying to quash the case in S.C.No. 230/2015 on the file of the III Additional Sub Court, Madurai, Camp Court, Usilampatti, by accepting the Joint Compromise memo dated 14.04.2017.

For Petitioners	: Mr.R.Gowrishankar
For 1 st Respondent	: Mr.K.Anbarasan
	Government Advocate (Crl.side)
for R2	: Mr.K.Radhakrishnan

O R D E R

On the letter given by the learned counsel for the petitioners, this case has been listed today in the special sitting.

2. On the complaint lodged by one Karuthapandi / 2nd respondent, the first respondent police registered a case in Crime No.96 of 2014 for offences under Sections 147, 148, 294(b), 323 and 307 r/w 149 of the Indian Penal Code and on completing the investigation, the respondent police filed a chargesheet in S.C.No. 230/2015 on the file of the III Additional Sub Court, Madurai, Camp Court, Usilampatti, against the petitioners, challenging which, the accused and the defacto complainant are before this Court for quashing the chargesheet against the



petitioners on the ground that they have arrived at a compromise.

3. Heard the learned counsel for the petitioners, the learned Government Advocate (Crl. side) and the learned counsel for the 2nd respondent.

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4. Today, when the matter is taken up for hearing, Mr.R.Paulraj, Sub Inspector of Police, Elumalai Police Station, Madurai District, is present in Court. The *defacto* complainant is present and the accused are also present. The identifications of the accused 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.R.Paulraj, Sub Inspector of Police, Elumalai Police Station, Madurai District.

5. Under normal circumstances, an offence under Section 307 IPC would not be quashed. However, in **Narinder Singh and others vs. State of Punjab and another [(2014) 6 SCC 466]**, the Hon'ble Supreme Court has stated that the prosecution under Section 307 IPC can be quashed, if certain conditions exists. In this case, on a reading of the statement of Dr.Balamurali, who has treated the victim, it is seen that the victim has not suffered any serious injury.

6. The petitioners and the second respondent have filed a joint compromise memo dated 14.04.2017, in which, it has been stated as follows:

"2.It is submitted that the 1st respondent has filed a charge sheet under Section 147, 148, 294(b) 323, 324, 307 of IPC r/w.149 of IPC and now same is pending in S.C.No.230 of 2015 on the file of the III Additional Sub Court, Madurai, Camp Court, Usilampatti. Since the both parties compromised, the petitioners are filing this quash petition along with this Joint Compromise memo. The 2nd Respondent has no objection, in the event of quashing the case in S.C.No.230 of 2015 on the file of the III Additional Sub Court, Madurai, Camp Court, Usilampatti.

It is therefore prayed that this Honourable Court may be pleased to accept this Joint Compromise Memo."

7. In view of the compromise memo dated 14.04.2017, this Court is of the opinion that no useful purpose would be served in keeping the matter pending. Therefore, this petition is allowed and case in S.C.No.230/2015 pending on the file of the III Additional Sub Court, Madurai, Camp Court, Usilampatti, in respect of all the accused are hereby quashed. The compromise memo dated 14.04.2017 shall form part of this order.



8. At the instance of the learned counsel for the petitioners, the petitioners themselves voluntarily came forward to contribute some amount to Gandhi Museum.

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9. Accepting the submission, the petitioners are directed to pay a sum of Rs.500/- (Rupees five hundred only) **each**, to the Curator, Gandhi Museum, Madurai, within a period of two weeks from today. After making payment, a copy of the receipt shall be furnished to the Registrar (Administration), Madurai Bench of Madras High Court, Madurai.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

Encl: Xerox Copies of Joint Compromise Memo dated 14.04.2017

To

1. The III Additional Subordinate Judge,
III Additional Sub Court Madurai Camp court,
Usilampatti.
2. The Inspector of Police,
Elumalai Police Station,
Madurai District.
3. The Curator,
Gndhi Museum,
Madurai-625 020.
4. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

Copy To:

The Registrar (Administration)
Madurai Bench of Madras High Court,
Madurai -625 023.

+1 CC to M/s.R.GOWRISHANKAR, Advocate, SR No. 55380

RMI/RR

PSM/RSK/15.05.2017/3P/7C

Order made in

Cr1.O.P. (MD) No.4654 of 2017

Dated:02.05.2017