



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2017

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P.(MD)No.8667 of 2016

and

CrI.M.P(MD)No.4217 of 2016

1.Suresh @ Suresh Kumar

2.Palanichamy

3.Rani

: Petitioners/Accused

vs.

1. State Through the Inspector of Police,
Oomachikulam Police Station,
In Crime No.814 of 2014.

: 1st Respondent/Complainant

2. P.M.Raju

: 2nd Respondent/Defacto
Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to call for the records pertaining to the Criminal proceedings in Spl.S.C.No.65 of 2016 on the file of the Learned III Additional District and Sessions Court (PCR), Madurai in Crime No.814 of 2014, dated 15.07.2014 on the file of the Inspector of Police,Oomachikulam Police Station, Madurai District and quash the same.

For Petitioner : Mr.B.N.Raja Mohamed

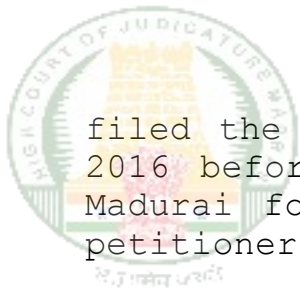
For R1 : Mr.K.Anbarsan

Government Advocate (CrI.side)

O R D E R

Heard the learned counsel for the petitioner; learned Government Advocate (Criminal side) appearing for the respondents and perused the materials placed on record.

2.Pursuant to the death of Gowsalya, a case in Cr.No.814 of 2014 was registered on 15.07.2014 under Section 174 Cr.P.C., and thereafter, the offences were altered into Section 304(B) of IPC and after completing the investigation, the respondent police has



filed the final report, which is now pending in Spl.S.C.No.65 of 2016 before the III Additional District & Sessions Court (PCR), Madurai for an offence under Section 304(B) of IPC, against the petitioners herein.

3.Challenging which, the petitioners are before this Court for quashing the prosecution on the ground that they have arrived at a compromise with the second respondent, who is said to be a father of the deceased.

4.In the considered opinion of this Court, the petition to quash the prosecution in the matters relating to offence under Section 304(B) of IPC cannot be entertained on the simple ground that death has occurred and the legal heirs of the deceased, cannot seek for compounding of the case, on the ground that they have arrived at a compromise with the accused.

5.In such circumstances, this petition is closed with a direction to the learned III Additional District and Sessions Court (PCR), Madurai to dispose of the trial in Spl.S.C.No.65 of 2016 within six months from the date of receipt of a copy of this order, provided the petitioners shall co-operate with the Court by cross-examining the witnesses on the day they are examined in chief in the law laid down in **Vinod Kumar v. State of Punjab** reported in (2015) 3 SCC 220, the Supreme Court. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Oomachikulam Police Station,
Madurai.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

AM/TSG

TE/JC : 15/05/2017 : 2P/3C

Order made in
CRL.O.P.(MD)No.8667 of 2016 and
Crl.M.P(MD)No.4217 of 2016
Dated:- 25.04.2017