

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.20784 of 2018

Santhanam @ Muthukumar

.. Petitioner

Vs

1.State of Tamil Nadu
Rep. by Inspector of Police [L&O],
N-1, Royapuram Police Station,
Chennai-13.

2.G.Raino Philip

.. Respondents

Criminal Original Petition filed under Section 482
Cr.P.C., praying to call for the records in SC.No.250 of
2014 pending before the V Additional Sessions Judge at
Chennai and quash the same.

For Petitioner : Mr.S.Malayappan
For 1st Respondent : Mr.M.Prabhavathi App
For 2nd Respondent : Mr.R.C.Paul Kanagaraj
for M/s.Sam Arther JebaKumar

O R D E R

One Gunasingh committed suicide on 27.02.2006 by hanging, in his residence and on the complaint by his son [2nd respondent herein], the respondent Police registered a case in Crime No.186 of 2006 on 27.02.2006 under Section 174 Cr.P.C. He had left a suicide note, which was recovered by the Police. The Police completed the investigation and filed a Charge Sheet against Santhanam/A1, Saravanan/A2 and Padmavathi/A3 for an offence under Section 306 IPC and the case is now pending in S.C.No.250 of 2014 on the file of the V Additional Sessions Judge, Chennai. While so, this petition has been filed, for quashing the prosecution on the ground that the parties have arrived at a compromise.

2.Heard the learned counsel for the petitioner and the learned Government Advocate.

3.In the opinion of this Court, an offence under Section 306 IPC cannot be quashed, merely on the ground that the parties have arrived at a compromise. However, this Court perused the Final Report and the accompanying

documents. On a reading of the Final Report, it is alleged that the deceased Gunasingh had borrowed huge loans from A1 to A3 and others; that they have started demanding the return of the loans; that the deceased was employed in RBI and he decided to submit his application for voluntary retirement; that the accused filed individual money suits against the deceased for the recovery of the monies lent to him; sensing that he may not be able to return the borrowed amounts; he committed suicide by hanging. Even in the suicide note, he has stated that on account of indebtedness, he has decided to end his life. Even according to the prosecution, the accused have filed suits against the deceased and they were resorting to the recovery of the loans given to him in a manner known law. Under such circumstances, it cannot be stated that the accused had abetted the suicide of the deceased Gunasingh. In such view of the matter, this is a fit case to quash the prosecution.

4. Today, Mr. R. Raja Robert, Inspector of Police, Royapuram Police Station is present before this Court. All the three accused are present and the widow and son of the deceased Gunasingh are present. Padmaseeli, wife of deceased Gunasingh has filed an affidavit dated 29.08.2018, wherein, in paragraph Nos. 3 and 4, she has stated as follows :

"3. I state that during pendency of the above case in SC.No.250 of 2014, I along with other family members discussed among ourselves and decided to compromise with the accused persons 1. Santhanam, 2. Saravanan and 3. Padmavathy.

4. I state that the present quash petition was filed before this Hon'ble Court based on compromise entered between ourselves with the above mentioned accused persons. I state that the compromise entered within ourselves is not under any threat, undue influence or coercion and this compromise memo is filed under the will wish of me."

5. Apart from this, a joint compromise affidavit has been filed, in which, all the three accused and the de facto complainant have signed. In paragraph No. 2 of the affidavit, it is stated as follows:

"2. We state that we all have entered into a compromise among ourselves against the complaint given by G. Raino Philip as we have compromised in the civil proceedings. We submit that the compromise entered within ourselves is not under any threat, undue influence or coercion and this compromise memo is filed only under the will and wish of all of us."

6.In such view of the matter, the entire prosecution in SC.No.250 of 2014 as against all the three accused are hereby quashed. Each of the accused are directed to pay Rs.1,000/- [totally Rs.3,000/-] to Chief Justice Relief Fund [payable in Accounts Section of the High Court Registry] within a period of two weeks from the date of receipt of a copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

Sd/-

Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

gya

To

1.The V Additional Judge,
chennai 104.

2.The Accounts Section,
High Court, Madras.

3.The Public Prosecutor ,
High court
chennai.

+1cc to Mr.SAM ARTHUR JEBKUMAR , Advocate SR.No. 60506

CRL.OP.No.20784 of 2018

ASK(18/09/2018)

सत्यमेव जयते

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