

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.04.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP No.7807 of 2018

and

CRL.MP.No.4026 of 2018

1. Chandru@ S.Chandhran
2. S.Venkatesan
3. S.Kamaraj
4. Shanmugam.S. Petitioners/Accused 1 to 4

Vs

State, Represented by its

1. The Inspector of Police,
B-1, Siva Kanchi Police Station,
Kancheepuram
(Crime No.30 of 2018) Respondent / Compalinant
2. Mohindeen Abdul Kadher Respondents/Defacto Compalinant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., call for the records and quash all the proceedings in Crime No.30 of 2018 now pending investigation on the file of the 1st Respondent.

For Petitioners : Mr.P.Kumaresan
For 1st Respondent : Mr.C.Raghavan Govt.Advocate CrI.Side
For second respondent : Mr.R.Ramanlal

ORDER

On the complaint lodged by one Mohideen Abdul Kadher, the first respondent police registered a case in Cr.No.30 of 2018 on 19.01.2018 under Sections 120-B, 294 (b) and 307 I.P.C. against one Chandru (A1), Venkatesan (A2), Kamraj (A3) and Shamugam (A4). This quash petition has been filed for quashing the prosecution on the ground that the parties have arrived at a compromise.

2. In Narinder Singh Vs. State of Punjab [(2014) 6 SCC 466], the Supreme Court has held that that the Court can quash the prosecution under Section 307 I.P.C. on the ground that the

parties have arrived at a compromise, after taking into consideration the attending circumstances of the case. The facts of this case appear to be a good theme for a T.V. soap opera.

3. Karthikeyan got married to Sowmya and they have no issues. Therefore, Karthikeyan and his father Kamaraj approached Sowmya's mother Kanchana and requested her to get her second daughter Vaishali married to Karthikeyan. On coming to know of this, Vaishali is supposed to have made sarcastic comment about Karthikeyan and expressed her unwillingness to marry him. Aggrieved by that, Karthikeyan complained to his father Kamaraj, who in turn shared Karthikeyan's grief with his friend Shanmugam. Shanmugam instructed his son Chandru to get rid of Vaishali and thus, avenge the insult. Chandru and his friend were discussing the plan to get rid of Vaishali in a local tea shop which was heard by one Mohideen Abdul Khader who is an employee of the tea shop. On a complaint lodged by him, the police registered a case in Cr.No.30/2018 and swung into action. At the most, the F.I.R. has been predicated on preparation for commission of the offence. Preparation per se cannot be an offence except in certain cases as provided under the I.P.C like dacoity.

3.The learned counsel for the parties submitted that Karthikeyan and Sowmya have rejoined and are living happily. Vaishali is present before this Court and submitted that they are very safe now and they have no objection in the F.I.R. being quashed.

4. In view of the above, this quash petition is allowed and the investigation in Siva Kanchi P.S. Crime No.30 of 2018 Kancheepuram is hereby quashed as against all the accused. However, Mohideen Abdul Khader shall pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as costs to the Tamil Nadu State Legal Services Authority, within a period of two weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

arr

To

1. The Inspector of Police,
B-1, Siva Kanchi Police Station,
Kancheepuram
(Crime No.30 of 2018)

2.The Public Prosecutor,
Madras High Court
Chennai - 600 104

3.The Secretary,
Tamil Nadu State Legal Services Authority,
High Court Madras.

+1cc to Mr.R.Ramanlal, Advocate, S.R.No.32195

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SKS (CO)

RRK(03/05/2018)



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