

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.5801 of 2018

1.K.P.Sankar
2.Kumar @ Suthankumar
3.Madhan
4.Dilli
5.Joseph
6.Jaganadhan

..Petitioners/Accused 1,3,4,6,7,8

Vs

1. The State. Rep by
The Inspector of Police,
M-5, Ennore Police Station,
Chennai - 57.
(Crime No.132 of 2011) ... R1 / Complainant

2. Megavarnam ... R2 /Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the proceedings in P.R.C.No.36 of 2015 on the file of the learned Judicial Magistrate, Thiruvottriyur and to quash the same.

For Petitioners : Mr.C.Prabakaran

For Respondent-1 : Mrs.Kritika Kamal.P
Government Advocate (Crl. Side)

For Respondent-2 : Mr.M.Sivakumar

O R D E R

The prayer sought for in the present petition is to call for the records in P.R.C.No.36 of 2015 on the file of the learned Judicial Magistrate, Thiruvottriyur and to quash the same.

2.Heard Mr.C.Prabakaran, learned counsel for the petitioners and Mrs.P.Kritika Kamal, learned Government Advocate (Crl. Side) appearing on behalf of the first respondent as well as Mr.M.Sivakumar, learned counsel for the second respondent.

3.Today, when the matter is taken up for consideration, the learned Government Advocate (Crl.Side) vehemently opposed the petition saying that by taking into account the seriousness of the offences and in view of Section 320 IPC, the offences are not compoundable.

4.The learned Counsel for the petitioners on the other hand by relying upon the judgment of the Hon'ble Supreme Court made in Unnikrishnan @ Unnikuttan Vs. State of Kerala in Crl.M.P.No.18630 of 2016 dated 01.03.2017 stated that even in case where the offences are not compoundable registered under Section 320 Cr.P.C., in view of the compromise arrived at between the parties, the same can be considered. The relevant portion of the judgment are as follows;

"11.What emerges from the above is that even if an offence is not compoundable within the scope of Section 320 of Code of Criminal Procedure the Court may, in view of the compromise arrived at between the parties, reduce the sentence imposed while maintaining the conviction.

12. Having regard to the facts of the present case, while taking into account the settlement arrived at between the parties and also considering the affidavits filed before us by each one of the applicants by way of joint application, we allow the application seeking permission to compound the offences."

5.In view of the above observations of the Hon'ble Supreme Court, I am of the considered opinion, the ends of justice would be met by permitting the petitioners to compound the offences in view of the compromise arrived at between the parties.

6.It is submitted by the learned counsel for the petitioners that pending Criminal Original Petition, the defacto complainant and the petitioners have amicably resolved the dispute among themselves and accordingly, they have entered into a compromise. He further submitted that an affidavit dated 01.07.2017 has been filed by the defacto complainant stating that he has no objection if the proceedings in P.R.C.No.36 of 2015 is quashed. In addition to this, two victims to the incident namely, Mr.V.Dinesh and Mr.T.Mohan have also filed affidavits dated 01.07.2017 to the effect that they have no objection if the proceedings in PRC.No.36 of 2015 is quashed.

7.In order to identify themselves, the petitioners and the defacto respondent have submitted the photo copies of their Identity Cards viz., 1.K.P.Sankar - 535001556773 (Aadhar Card),

2.Kumar @ Suthankumar - 848496982059 (Aadhar Card) and 3. Madhan - 433558116728 (Aadhar Card) 4. Dilli - 221095026626 (Aadhar Card) 5. Joseph - 915354869962 (Aadhar Card) 6. Jaganadhan - 268288089057 (Aadhar Card) and 7. Megavarnam - 576116955878 (Aadhar Card) respectively and after verification of the original cards, the same are recorded.

8.Recording the same, the proceedings in P.R.C.No.36 of 2015 on the file of the learned Judicial Magistrate, Thiruvottriyur stands quashed. Consequently, the Criminal Original Petition is allowed. Connected Miscellaneous Petition is also closed. The affidavit dated 01.07.2017 filed by the second respondent/defacto complainant shall form part of the order.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate,
Thiruvottriyur.

2.The Inspector of Police,
M-5, Ennore Police Station,
Chennai - 57.

3.The Chief Judicial Magistrate, Egmore, Chennai.

4.The Public Prosecutor, High Court, Madras.

+2cc to Mr.C.Prabakaran, Advocate, S.R.No.18300

Cr1.O.P.No.5801 of 2018

RV(CO)

RRK(15/03/2018)

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