

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2018

CORAM

THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM.J.,

Cr1.O.P.No.21984 of 2018

1. V.Balaji
2. Dharani Babu
3. A.M.Shanthi
4. A.M.Sumathi
5. M.Punithavathi

...Petitioners/accused (A1 to A5)

Vs .

- 1.State Rep by
The Inspector of Police,
T-15, SRMC Police Station,
Porur,
Chennai.

...1st Respondents/complainant

- 2.R.Mohan

..2ndRespondents/De-facto complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records and the same to quash the final report filed in C.C.No.108 of 2018 on the file of Judicial Magistrate. No.I, Poonamallee as against the petitioners.

For Petitioners : Mr.S.Shanmuga velayutham
Senior Counsel
for M/s.K.S.Vishnu Prasad

For R1 : Ms.M.Prabhavathi,
Additional Public Prosecutor
For R2 : Mr.T.Balachandran

ORDER

This Criminal Original Petition has been filed by the accused Nos.1 to 5 to call for the records in connection with the C.C.No.108 of 2018 on the file of Judicial Magistrate. No.I, Poonamallee and to quash the same.

2.Heard the learned counsel appearing for the petitioners, learned Additional Public Prosecutor (Cr1.side) appearing for the first respondent and the learned counsel appearing for the second respondent.

3. The second respondent's son Kirtheeswaran aged about four years was studying L.K.G at Masi Matriculation Higher Secondary School, Rajendran Nagar, Ayyapanthangal, Chennai. The petitioners 3 to 5 are maintaining the above school. On 02.03.2018, there was a block in the drainage and to clear the blockage in the septic tank, the petitioners 1 and 2 herein were employed by the school management. They opened the cover of the septic tank and kept it in open since they could not repair immediately. In the meantime, the said Kirtheeswaran, who happened to visit the toilet to attend natural call, slipped into the septic tank and died.

4. The petitioner Nos.1 to 5 are the accused Nos.1 to 5 in C.C.No.108 of 2018. Based on the complaint lodged by the second respondent, against the petitioners, a case was registered by the first respondent in Cr.No.129 of 2018 under Section 304 -A IPC and after investigation, the first respondent has filed a charge sheet against the petitioners herein under Section 304-A IPC and based on the same, a case in C.C.No.108 of 2018 was taken on file by the Judicial Magistrate No.1, Poonamallee.

5. It appears that on the advice of friends and elders, the parties have entered into compromise and in pursuance of the said compromise, the management of the aforesaid school has paid a sum of Rs.13,00,000/- (Rupees Thirteen lakhs only) through the cheques to the father of the deceased viz R.Mohan, who is the second respondent herein and a Joint Compromise Memo, signed by both parties, in the presence of their respective counsel, is also filed. The second respondent has filed an affidavit also to that effect. As per the Joint Compromise Memo and in the affidavit, the de-facto complainant, namely, the second respondent has agreed to quash the C.C.No.108 of 2018.

6. The parties have appeared before this Court and expressed in unequivocal terms that they have signed the Joint Compromise Memo on their own free will and volition. The identity of the parties are verified with reference to the authenticated documents produced by the parties before this Court. The identity of the parties are also confirmed by the learned Additional Public Prosecutor (Crl.side) through the first respondent police.

7. Having regard to the specific terms of the Joint Compromise Memo, this Court is of the view that no useful purpose will be served by keeping this matter pending. Hence the C.C.No.108 of 2018, on the file of the Judicial Magistrate No.1, Poonamallee, is quashed in toto. The Joint Compromise Memo signed by the parties shall form part of the order.

8. Accordingly, the Criminal Original petition is allowed.

*Enclosed Xerox Copy of the Memo Compromise

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1.The Judicial Magistrate no.I,
Poonamallee

2.The Inspector of Police,
T-15, SRMC Police Station,
Porur,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

+3cc to Mr.K.S.Vishnu Prasad, Advocate, S.R.No.64325

+2cc to Mr.T.Balachandran, Advocate, S.R.No.64326

CrI.O.P.No.21984 of 2018

TM(CO)
GSP(24/09/2018)

सत्यमेव जयते

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