



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2018

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THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

Crl.O.P.(MD) No.4387 of 2018

M.Sakthivel .. Petitioner/Sole Accused

vs.

1. The State rep.by
The Inspector of Police,
Usilampatti Town Police Station,
Madurai District,
Crime No.239 of 2017. ..1st Respondent/Complainant

2.S.Sankeetha ..2nd Respondent/Defacto Complainant

Petition is filed under Section 482 of Code of Criminal Procedure to call for the records and quash the case in Crime No.239 of 2017 on the file of the first respondent police station by accepting the joint compromise memo dated 06.03.2018.

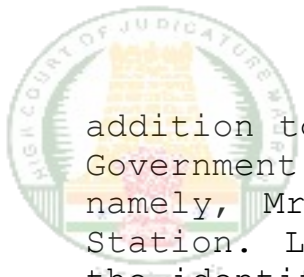
For Petitioner	:	Mr.K.Radhakrishnan
For R1	:	Mr.A.Robinson
		Government Advocate (Crl.side)
For R2	:	Mr.R.Gowrishankar

O R D E R

This petition has been filed seeking to quash the case in Crime No.239 of 2017 on the file of the first respondent, pursuant to the amicable settlement effected between the parties.

2.On the complaint lodged by the second respondent/defacto complainant, the first respondent police registered a case in Crime No.239 of 2017, for the offences under Sections 294(b), 307 and 109 of the Indian Penal Code, against the petitioner herein and for quashing the same, the petitioner and the defacto complainant are before this Court on the ground that they have arrived at a compromise.

3.Today, when the matter is taken up for hearing, Mr.N.Arasu, Inspector of Police, Usilampatti Town Police Station is present. The petitioner and the second respondent appeared in person and their identifications were also verified by this Court, in



addition to the confirmation of the identity of the parties by the Government Advocate (Crl.Side) through the respondent Police, namely, Mr.N.Arasu, Inspector of Police, Usilampatti Town Police Station. Learned counsel appearing for the parties also endorsed the identity of their respective parties.

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4.Under normal circumstances, the offence under Section 307 IPC would not be quashed. However, in **Narinder Singh and others vs. State of Punjab and another [(2014) 6 SCC 466]**, the Hon'ble Supreme Court has stated that the prosecution under Section 307 IPC can be quashed, if certain conditions exists. In this case, it is seen from the affidavit filed in support of the petition that the victim has not suffered any serious injury.

5.The petitioner and second respondent have filed a joint memo of compromise dated 06.03.2018, wherein, it is stated as follows:

"2.It is further submitted that in the meantime, the dispute between the husband and wife are amicably compromised and now they are living together. Therefore, they are compromised and as a result the petitioner and 2nd respondent have jointly filing this compromise memo. The 2nd respondent has no objection, in the event of quashing the case registered by the 1st respondent against the petitioner in Crime No.239 of 2017 under Sections 294(b), 307, 109 IPC by this Hon'ble Court.

3. It is therefore prayed that this Hon'ble Court may be pleased to accept this joint compromise memo and pass such further orders."

6.In view of the compromise memo dated 06.03.2018 this Court is of the opinion that no useful purpose would be served in keeping the matter pending. Therefore, the entire proceedings in Crime No.239 of 2017 pending on the file of the respondent police in respect of the petitioner/sole accused are hereby quashed.

7. Accordingly, this Criminal Original Petition is allowed on the basis of the compromise entered into between the parties. The joint compromise memo dated 06.03.2018 shall form part of this order.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar



To:

1. The Inspector of Police,
Usilampatti Town Police Station,
Madurai District

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 cc TO Mr.K.Radhakrishnan , Advocate in SR No. 59783

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AE/JC/SAR3/19.04.2018/3P/4C

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