



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2018

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CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

CRL.O.P.(MD)No.6527 of 2018

1.Paulraj
2.Kanagaraj
3.Muniammal

: Petitioners / Accused Nos.1 to 3

-Vs-

1.The State represents through by its
the Inspector of Police,
K.K.Nagar Police Station,
Trichy District.

In Crime No.50 of 2013.

... Respondent/Complainant

2.Sathiyamoorthi

... Respondent/De facto
Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code, to call for the records relating to the charge sheet in S.C.No.181 of 2014 on the file of the II Additional Sub Court, Trichy and quash the same.

For Petitioners

: Mr.M.Subash Babu

For R1

: Mr.K.Prabhu Ramachandran

Government Advocate (Crl. Side)

For R2

: Mr.R.Maheswaran

O R D E R

On the complaint lodged by one Sathiyamoorthi the first respondent police has registered a case in Crime.50 of 2013 and the investigation has been completed and charge sheet has been filed in S.C.No.181 of 2014 before the II Additional Sub Court, Trichy under Sections 294 (b), 323, 324, 307 of IPC @ 294 (b), 326, 307 of I.P.C. r/w Section 114 of I.P.C against the petitioners herein, for quashing which, the petitioners and the de facto complainant are before this Court on the ground that they have arrived at a compromise.

2. Heard the learned counsel appearing for the petitioners,
the learned Government Advocate (Crl. Side) appearing for the



first respondent and the learned counsel appearing for the 2nd respondent.

3. Today, when the matter was taken up for hearing, the Inspector of Police, K.K.Nagar Police Station, Trichy District is present. The *de facto* complainant and the petitioners are present and their identifications were also verified by this Court, in addition to the confirmation of the identity of the parties by the learned Government Advocate (Criminal side) through the Inspector of Police, K.K.Nagar Police Station, Trichy District.

4. Under normal circumstances, an 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.

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

"1.The petitioners state that they as well as the second respondent are belonging to same area, subsequently they are arrived compromise and amicably settled the issue with the help of village elders. Further there is no serious motive behind the occurrence. Since the matter has been settled amicably they have no objection for quashing the charge sheet in S.C.No.181 of 2014 on the file of the II Additional Sub Court, Trichy."

6. In view of the above, this Court is of the opinion that no useful purpose would be served in keeping the matter pending. Therefore, this petition is allowed and the entire proceedings in S.C.No.181 of 2014, on the file of the II Additional Sub Court, Trichy in respect of the petitioners/accused Nos.1 to 3, is quashed. The joint compromise memo dated 06.03.2018 shall form part of this order.

7. At the instance of the learned counsel for the petitioners, the petitioners themselves voluntarily came forward to contribute some amount to the Mediation and Conciliation Centre attached to this Bench.

8. Accepting the submission, the petitioners are directed to pay a sum of Rs.2000/- (Rupees To Thousand only), **each** to the Mediation and Conciliation Centre attached to this Bench, under the head of Infrastructure Funds, within a period of two weeks



from today. After making payment, a copy of the challan shall be furnished to the Registrar (Administration), Madurai Bench of Madras High Court, Madurai.

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Sd/-
Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

tsg

To

Encl: Joint Compromise Memo Xerox Copy herewith enclosed

- 1.The II Additional Sub Court, Trichy
2. The Inspector of Police,
K.K.Nagar Police Station,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

**The Registrar (Administration),
Madurai Bench of Madras High Court, Madurai.**

+1 cc to MR.M.SUBASH BABU, Advocate SR.No.62924

Order made in
CRL.O.P. (MD) No.6527 of 2018
Dated: 23.04.2018

SMA/SV-MMS/SAR-2/31.05.2018:3P/6C