



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

Crl.O.P.(MD) No.6542 of 2018

1.Hari @ Hariharan

2.Prakash

3.Vijayakumar

4.Ananth

5.Siva Kumar

(amended vide order dated 25.04.2018)

6.Sathiyamoorthi

... Petitioners

vs.

1. The State through by
The Inspector of Police,
K.K.Nagar Police Station,
In Cr.No.358/2014,
Trichy District.

2.Kanagaraj

... Respondents

Petition is filed under Section 482 of Code of Criminal Procedure to call for the records relating to the charge sheet in S.C.No.29/2015 on the file of the Judicial Magistrate II, Trichy and quash the same.

For Petitioner	: Mr.R.Maheswaran
For R1	: Mr.Prabhu Ramachandran Government Advocate (Crl.side)
For R2	: Mr.C.Susikumar

O R D E R

This petition has been filed seeking to quash the case in S.C.No.29 of 2015 pending on the file of the Judicial Magistrate II, Trichy, pursuant to the amicable settlement effected between the parties.

2.On the complaint lodged by the second respondent/defacto complainant, the first respondent police has registered a case in Crime No.358 of 2014, for the offences under Sections 147, 148, 294(b), 341, 324, 307 IPC @ 147, 148, 294(b), 326, 307 r/w Section 114 of IPC, against the petitioners herein



and for quashing the same, the petitioners 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.D.Sridhar, Special Sub Inspector of Police, K.K.Nagar Police Station, Trichy District is present. The petitioners 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.D.Sridhar, Special Sub Inspector of Police, K.K.Nagar Police Station, Trichy District. Learned counsel appearing for the parties also endorsed the identity of their respective parties.

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 exist. In this case, it is seen from the affidavit filed in support of the petition that the victim has not suffered any grievous injury.

5. The petitioners and second respondent have filed a joint memo of compromise dated 19.04.2018, wherein, it is stated as follows:

"The petitioners state that they as well as the 2nd 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.29/2015 on the file of the Judicial Magistrate Court II, Trichy."

6. In view of the compromise memo dated 19.04.2018 this Court is of the opinion that no useful purpose would be served in keeping the matter pending. Therefore, the entire proceedings in S.C.No.29 of 2015 pending on the file of the Judicial Magistrate Court II, Trichy in respect of the petitioners/accused Nos.1 to 6 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 19.04.2018 shall form part of this order.

<https://hcservices.ecourts.gov.in/hcservices/> 8. 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.

9. Accepting the submission, each petitioner is directed to pay a sum of Rs.1,000/-, total sum of Rs.6,000/- (Rupees six thousand only) to the Mediation and Conciliation Centre attached to this Bench, under the head of Infrastructure funds, within a period of two weeks from the date of receipt of a copy of this order. After making payment, a copy of the challan shall be furnished to the Registrar (Administration), Madurai Bench of Madras High Court, Madurai.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

Encl.: The Xerox Copy of Joint Compromise Memo

To:

1. The Judicial Magistrate II, 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.
4. The Section Officer,
Criminal Section, (2 Copies)
Madurai Bench of Madras High Court,
Madurai

Copy to :

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

+1cc to Mr.M.SUBASH BABU Advocate in SR. No.63739

MJ

KK/SV MMS/SAR-3/17.05.2018/3P/8C