

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

CrI.O.P.No.15602 of 2018
and CrI.M.P.No.7957 of 2018

1. Gnanamani

2. Kalyanarao

...Petitioners

Vs

1. State Rep by

The Inspector of Police (Law and Order)
T1, Ambathur Police Station,
Ambathur, Chennai - 53.

2. Ammavasai

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to proceedings in C.C.No.187 of 2013 on the file of Court of Judicial Magistrate, Ambattur, Chennai, quash the same.

For Petitioner : Mr.I.Arockia Selvaraj

For Respondents : Mr.C.Iyyapparaj
Additional Public Prosecutor for R1

Mr.Snoorudeen for R2

O R D E R

This criminal original petition has been filed to quash the proceedings in C.C.No.187 of 2013. Since it was claimed that the complainant and accused had amicably settled the matter between themselves, this Court is of the view that legal heirs of the victim could be affected by the closure of the charge sheet in C.C.No.187 of 2013 at the instance of the complainant who has been the co-employee of the deceased. In this connection, the legal heirs were summoned by this Court and accordingly one Kavali Lakshamma and her minor daughter Jothi

were present before this Court on 24.10.2019. Since the legal heirs expressed their desire to receive some compensation, this Court had passed the following order on 24.10.2019:

The widow of the deceased seems to have a claim in connection with the compounding of the offences involved in Crl.O.P.No.15602 of 2018. Since the widow claims that she does not have anyone to support her in Tamil Nadu for the purpose of staying here, refer this matter before the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras on 24.10.2019 at 4.30 p.m.

2. The learned counsel for the petitioners and the defacto complainant are also permitted to appear before the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras.

2.In continuation of the above order, the learned counsel for the petitioner produced two Demand Drafts, bearing number 200528 dated 07.11.2019 for a sum of Rs.1,00,000/- in favour of the Kavali Lakshamma and another Demand Draft bearing number 200527 dated 07.11.2019 for a sum of Rs.1,00,000/- in favour of Jothi, both Demand Drafts drawn on the Canara Bank, St.Marys Road, Chennai - 600018. The widow viz., Kavali Lakshamma acknowledged the receipt of these original Demand Drafts. Insofar as the Demand Draft number 200528 dated 07.11.2019 in favour of the widow of the deceased viz., Kavali Lakshamma, it will be open to her to en-cash the same. Insofar as the Demand Draft number 200527 dated 07.11.2019 in favour of Minor Jothi is concerned, the same shall be converted into a fixed deposit by the concerned Bank before whom the demand draft is produced and the deposit shall stay till the minor Jothi attains majority i.e., 18 years of age. The mother and natural guardian of minor Jothi viz., Kavali Lakshamma will be entitled to withdraw the interest accruing with the fixed deposit of the minor Jothi periodically for the maintenance of her minor daughter. On attaining majority, the daughter of the deceased Jothi will be entitled to withdraw the amount later from this fixed deposit by herself.

3.In view of these developments, this Court is of the view that the proceedings in C.C.no.187 of 2013 can be quashed on the basis of the compromise arrived between the parties and accordingly stands quashed.

4.The widow who is present before this Court, submitted a copy of the Pass book in Bank Account No.407301011001949

maintained with Vijaya Bank, Mahboobnagar, Andhra Pradesh - 509 001 standing in the name Mrs.Laxmamma, who is the widow and her name is reflected in the Aadhaar Card as Kavali Lakshamma, which names are one and the same.

5.This criminal original petition stands allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

*Xerox copy of the Joint Compromise of Memo of 2nd respondent enclosed dt.5/09/2019

ssr

To

1. The Judicial Magistrate, Ambattur,
Chennai.
2. The Inspector of Police (Law and Order)
T1, Ambathur Police Station,
Ambathur, Chennai - 53.
3. The Public Prosecutor,
High Court, Madras.

Copy to: The Manager,
Vijaya Bank,
Mahboobnagar,
Andhra Pradesh-509 001.

+1cc to Mr.I.Arockia Selvaraj, Advocate SR.93212

Crl.O.P.No.15602 of 2018
and Crl.M.P.No.7957 of 2018

NR(CO)
CB(30/12/2019)