

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

Crl.O.P.No.30823 of 2019

1. Nasrulla
2. Saleem @ Mohamed Saleem
3. Merisha Afsal Khan ...Petitioners/Accused

Vs

1. The State Rep by
The Inspector of Police,
B-1, North Beach Police Station,
Broadway, Chennai 600 001.
Crime No.1258 of 2014 : 1st respondent/Complainant
2. Kalander : 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records and quash the charge sheet in S.C.No.211 of 2018, on the file of the learned XVI Additional District and Sessions Judge at Chennai.

For Petitioners : Mr.J.B.Solomon Peter Kamaldoss

For Respondents : Ms.V.Saratha Devi
Government Advocate (Crl. Side) for R1

सत्यमेव जयते
O R D E R

This petition has been filed to call for the records and quash the charge sheet in S.C.No.211 of 2018, on the file of the learned XVI Additional District and Sessions Judge at Chennai.

2.Among other offences for which the petitioners have been implicated in impugned proceedings in S.C.No.211 of 2018, the offences under Section 307 of IPC has also been incorporated. The petitioners herein are the 2nd, 4th and 5th accused, who claim to have entered into a compromise with the defacto complainant. Since, the charges include a non-compoundable offence and also taking note of the fact that the 1st and 3rd accused are not part

of the compromise arrived before this Court, quashing the charges against three of the accused alone would cause much inconvenience to the trial Court to proceed with the case with regard to the other accused. Also taking note of the fact that the offence is under Section 307 of IPC and being a heinous offence, this Court would not be justified in quashing the charge sheet on the basis of the compromise arrived between some of the parties.

3. Accordingly, this criminal original petition stands dismissed.

Sd/
Assistant Registrar

// True Copy//

Sub Assistant Registrar

ssr/jas

To

1. The XVI Additional District and Sessions Judge,
Chennai.
2. The Inspector of Police,
B-1, North Beach Police Station,
Broadway, Chennai 600 001.
3. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.J.B.Solomon Peter Kamaldoss, Advocate, SR.No.95669.

Cr1.O.P.No.30823 of 2019

MR (CO)
CSR(30/12/2019)

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