IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.03.2019

Coram

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.24149 of 2018

1. Anbalagan
   Rep. by its Building Supervisor
   Glesing Architect Company
   No.36, Palli Street (Vellalar Street)
   Ayanambakkam, Chennai - 600095.

2. Deepak
   Rep. by its Building Site Supervisor
   Glesing Architect Company
   No.36, Palli Street (Vellalar Street)
   Ayanambakkam, Chennai - 600095. ... Petitioners/Accused

Vs.

1. The State,
   Rep. by its Inspector of Police,
   F-3 Police Station - Nungambakkam
   Chennai - 600034.
   Crime No.588 of 2018

2. Kalaivani ... Respondents/Complainants

Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records of the FIR in Crime No.588 of 2018 dated 03.09.2018 on the file of Inspector of Police, F-3 Police Station, Nungambakkam, Chennai.

For Petitioners : Mr.T.S.Venkateshan
For Mr.R.Krishnakumar

For R1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

For R2 : Mr.D.Anitha

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ORDER

This Criminal Original Petition has been filed seeking to quash the FIR in Crime No.588 of 2018 dated 03.09.2018 on the file of Inspector of Police, F-3 Police Station, Nungambakkam, Chennai.

2. A memorandum of understanding dated 15.09.2018 has been signed by the Defacto Complainant with the petitioners, wherein, it has been stated that the petitioners are doing Aluminium Windows and Glass works under the name and style of M/s.Gazel Architectures (P) Limited. The defacto complainant's husband Late D.Suresh Kumar was doing Glass Windows fitting works under his father-in-law Mr.Nagalingam, the said Mr.Nagalingam having taken the same on labour sub contract basis from the petitioners. On 03.09.2018, the defacto complainant's husband Late D.Suresh Kumar was carrying on the fitting works at No.5, Jayalakshmipuram, Nungambakkam, Chennai. While carrying on the said work, he has slipped from the second floor by mistake and fallen down and died on the spot. Due to the incident, the defacto complainant lodged a complaint with Sub Inspector of Police, F-3, Nungambakkam Police Station and the same was registered in Crime No.588 of 2018 against the petitioners for the offences punishable under Section 304(A) of IPC. Since the death occurred and the defacto complainant and her child viz. Varshika, aged about 3 years were in a pathetic situation, the petitioners have decided to help them financially and have also decided to amicably settle the issues without going into the merits of the case. Thereafter, as per their decision, the petitioners have settled an amount of Rs.9,30,000/- to the defacto complainant and her daughter in the following manner:

a. An amount Rs.30,000/- given to the defacto complainant on 04.09.2018 for cremation expenses.

b. An amount of Rs.6,00,000/- vide DD.No.533764 dated 14.09.2018 drawn on ICICI Bank, Nungambakkam Branch, in favour of "Indian Overseas Bank - FD fvg S.Varshika" who is the daughter Late D.Suresh Kumar, towards a Fixed Deposit in her name for a period of 15 years old.

c. An amount of Rs.3,00,000/- to the defacto complainant by way of Demand Draft No.533762 dated 14.09.2018 drawn on ICICI Bank, Nungambakkam Branch.

3. It has been further stated in the memorandum of understanding dated 15.09.2018 that the defacto complainant agreed and acknowledges the receipt of the above said amount as full and final settlement and also agreed that she will use the

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above said Fixed Deposit and interest for her daughter's education expenses. Further, it has been agreed by the defacto complainant that not to proceed with the complaint in Crime No.588 of 2018, pending on the file of the Sub Inspector of Police, F-3 Nungambakkam Police Station and she has to cooperate with the quashing of the case in Crime No.588 of 2018. Moreover, the defacto complainant admitted and accepted in the said memorandum that there will be no further claims of any kind either on the petitioners or anyone else in any manner whatsoever either in past or in future and they shall not in any manner any further proceedings in future, more specifically under any Labour Laws or under Workmen's Compensation Act, or under any other Act, since the dispute/matter has been amicably settled.

4. In view of the settlement between the parties, this Court is inclined to allow the prayer sought for by the petitioners.

5. Accordingly, this Criminal Original Petition is allowed and the FIR in Crime No.588 of 2018 dated 03.09.2018 on the file of Inspector of Police, F-3 Police Station, Nungambakkam, Chennai, is quashed.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

raja

To

1. The Inspector of Police,
   F-3 Police Station,
   Nungambakkam, Chennai - 600034.

2. The Public Prosecutor, High Court, Madras.

+2ccs to Mr.R.Krishnakumar, Advocate SR.No.20214

Crl.O.P.No.24149 of 2018

GJ II(CO)
GMY(03/04/2019)

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