



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2020

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

CRL.OP.No.32884 of 2019

R.Gajapathy

...Petitioner/Accused

Vs.

1.State rep by:-

Inspector of Police,
F-2, Egmore Police Station,
Chennai-600 008.

2.Thirugnana Sambantham

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in Crime No.390 of 2019 on the file of the 1st respondent Inspector of Police, F-2, Egmore Police Station, Chennai for the offence under Section 304 (A) of IPC and quash the same.

For Petitioner : Mr.C.Mohan Raj

For 1st Respondent : Mr.C.Raghavan,
Government Advocate [Crl. Side]

2nd Respondent : Mr.S. Ramesh

ORDER

The Criminal Original Petition has been filed to quash the F.I.R in Crime No.390 of 2019 pending on the file of the first respondent police.

2.Based on the complaint lodged by the 2nd respondent, an FIR has been registered in Crime No.390 of 2019 for the offence under Section 304(A) of IPC.

3.The case is still in the stage of the investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

4.A joint memo of Compromise, dated 20.12.2019, has been filed before this Court which has been signed by the petitioner, the second respondent and one Mrs.Malarkodi (Mother of the



deceased Kulandaivelu) and also by their respective counsel. The petitioner, the second respondent and the mother of the deceased viz., Mrs. Malarkodi also present in person before this Court and they have been identified by their identity proof. This Court also enquired all the parties and satisfied that the parties have come to an amicable settlement between themselves.

5. Under such circumstances, no useful purpose will be served in keeping the case pending. Even though, the offences involved are not compoundable in nature, in the light of the guidelines given by the Hon'ble Supreme Court reported in 2017 9 SCC 641- (Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrat), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the F.I.R in Crime No.390 of 2019 pending on the file of the first respondent.

6. This Criminal Original Petition stands allowed and as a sequel, the F.I.R in Crime No.390 of 2019 pending on the file of the respondent is hereby quashed and the Memo of Compromise shall form part and parcel of this order.

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

(* Enclosed Xerox Copies
of the Joint Memo of Compromise)

vv2

To

1. The Inspector of Police,
F-2, Egmore Police Station,
Chennai-600 008.

2. The Public Prosecutor,
High Court, Madras.

+2 Ccs to Mr.D. Senthil Vel, Advocate sr 698.

CRL.OP.No.32884 of 2019

SP(21/01/2020)