



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2020

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHANCrl.O.P. (MD)No.4257 of 2020

Karunakaran

... Petitioner/Sole Accused

Vs.

1. The State rep. by,
The Inspector of Police,
Thallakulam police station,
Madurai.
(Crime No.1437 of 2017)

... 1st Respondent/Complainant

2. Petchi

... 2nd Respondent/Defacto
Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records relating to the impugned C.C.No.19 of 2020 on the file of the learned Judicial Magistrate No.II, Madurai and quash the same.

For Petitioner : Mr.V.Sasikumar

For R-1 : Mr.A.Robinson,
Government Advocate(Crl. Side).

For R-2 : Mr.S.Sankar

ORDER

The petitioner is facing trial in C.C.No.19 of 2020 on the file of the Judicial Magistrate No.II, Madurai, for the offence under section 304(A) of I.P.C.

2. The petitioner is the president of a Residential Welfare Association. It appears that the petitioner had engaged the services of the husband of the second respondent for doing some painting works. He fell down and died. The occurrence had taken place on 19.07.2017 at about 03.30 p.m. Based on the complaint of the second respondent, Crime No.1437 of 2017 was registered on the file of Thallakulam police station. It was investigated and final report was filed. Cognizance of the offence was taken. Though a case of this nature cannot be quashed, on account of certain developments to ensure the ends of justices, the impugned proceedings may have to be quashed.

3. The petitioner's counsel brought to my notice to the order



passed by this Court in Crl.O.P.(MD)NO.1603 of 2017, dated 22.03.2017. The learned Judge of this Court held as follows:-

"4. In the normal circumstances, an FIR under Section 304(A) IPC cannot be quashed, because it relates to the death of a person.

5. Therefore, this Court examined the allegations in the FIR in order to find out, if there are any prima facie materials for prosecuting the accused herein. On a reading of the FIR, it is seen that Mani(A1) is the owner of the property, in which he has a Well. The motor pump in the Well developed repair, for which Mani (A1), engaged the services of Sikkanan(A2), a Mechanic for repairing the motor pump. The deceased Murugesan and one Kanagaraj were the employees of Sikkanan(A2). When both of them were carefully removing the motor, Murugesan slipped into the Well and died. Thus, this Court is of the view that the death of Murugesan was purely an unfortunate accident, for which, the accused are in no way responsible. However, it is seen that the first accused has given Rs.2,00,000/- (Rupees Two Lakhs only) as compensation to Nagajothi/widow of the deceased Murugesan and Alagumani-father of Murugesan vide cheque No.000062 dated 28.02.2017. They have also entered into a compromise, in which, the defacto complainant agreed to withdraw the complaint.

6. ..

7. In view of the joint compromise memo, this Court is of the opinion that no useful purpose would be served in keeping the matter pending. Therefore, this petition is allowed and the entire proceedings in Crime No.4 of 2017 on the file of the first respondent police in respect of all the accused, are hereby quashed. The joint compromise memo shall form part of this order."

4. I am of the view that the very same approach can be allotted in this case. It is seen that the petitioner paid a sum of Rs.3,00,000/- by cash to the defacto complainant. The defacto complainant is present in person before me. She has no objection for quashing the impugned proceedings. In view of the settlement arrived at between the parties, the proceedings in C.C.No.19 of 2020 on the file of the Judicial Magistrate No.II, Madurai, stand quashed.



The criminal original petition stands allowed.

Sd/-

Assistant Registrar (records)

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// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Pmu

To

1. The Judicial Magistrate No.II,
Madurai.
2. The Inspector of Police,
Thallakulam police station,
Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.V.SASIKUMAR, Advocate (SR-10618[F] dated 09/03/2020)

Crl.O.P. (MD)No.4257 of 2020
09.03.2020

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