



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.10.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

CrI.O.P (MD)No.10743 of 2020

WEB COPY

Sri Vathsa Narayanan Ramesh

... Petitioner/Accused

Vs

1.The State represented by
Inspector of Police,
Melavalavu Police Station,
Madurai District.
(Cr.No.341 of 2020)

...1st Respondent/Complainant

2.N.Ramar

...2nd Respondent/Defacto
Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to admit this petition and call for the records in Crime No.341 of 2020 on the file of the Inspector of Police, Melavalavu Police Station, Madurai District and to quash the same.

For Petitioner : Mr.S.Kumar

For R1 : Mr.M.V.Chandra Sekaran
Government Advocate

For R2 : Mr.K.Essaki

ORDER

Heard the learned counsel appearing for the petitioner and learned Government Advocate for the first respondent police and the learned counsel appearing for the defacto complainant.

2.The petitioner is figuring as an accused in Crime No.341 of 2020 registered on the file of the first respondent for the offence under Section 304(A) of IPC. The petitioner was riding his two wheeler in Melur to Alagar Kovil Road which comes from east to west on 03.06.2019 at about 7.45 p.m.. The deceased Alagu who is the mother of the second respondent crossed the road from north to south. Since there was no street light and the petitioner did not notice her sudden crossing, the vehicle had dashed on the person of the deceased. It appears that the petitioner had tried to avert the accident. But then, Alagu fell down and suffered heard injury. She died as a result shortly thereafter, though attempt was made to save her immediately. The petitioner wants this Court to quash the impugned FIR primarily on the ground that no case is made out against him. He would also point out that the deceased has left behind three legal heirs, out of whom, the second respondent is the one. The petitioner had entered into a compromise with them. The



petitioner had already paid a sum of Rs.3,00,000/- as compensation. The defacto complainant and the other two siblings have signed in the compromise memo accepting the receipt of the compensation amount.

3.The petitioner's counsel draws my attention to the order dated 22.03.2017 made in CrI.O.P.(MD)No.1603 of 2017. The learned Judge, in the said order, held as follows:-

"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."

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 interest of justice will be served by quashing the impugned FIR. The decision relied on by the petitioner's counsel is apposite. That apart, a reading of the materials on record indicates that the petitioner cannot really be blamed for the accident. He was going on the correct side in the road. He was riding a two wheeler. The deceased had made a sudden crossing. Since there was no street light, the petitioner could not notice her. The offence under Section 304(A) will be attracted, if it can be shown that the petitioner was rash and negligent or reckless in his riding. The fact that the deceased had only a head injury indicates that it was more due to fall than the occurrence had taken place. I, therefore, hold that the ingredients of the offence under Section 304(A) are absent. That apart, I take note of the compromise entered into between the petitioner on the one hand and the family of the deceased on the other. Therefore,



interest of justice will be served by quashing the impugned FIR. It is accordingly quashed.

5. This Criminal Original Petition is allowed.

WEB COPY

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmi

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

ENCL : Xerox copy of Joint Compromise Memo.

To

1.The Inspector of Police,
Melavalavu Police Station,
Madurai District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S. KUMAR, Advocate (SR-19380[F] dated 08/10/2020)

+1 CC to M/s.K. ESAKKI, Advocate (SR-19381[F] dated 08/10/2020)

CrI.O.P(MD)No.10743 of 2020
07.10.2020

SMV(CO)

KK(22.10.2020) 3P 5C