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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2021

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THE HON'BLE MR.JUSTICE KRISHNAN RAMASAMY

CRL.O.P.NO.7920 OF 2017

R.Gokulakrishnan

... Petitioner

.Vs.

1. The Inspector of Police,  
K-8, Arumbakkam Police Station,  
Chennai - 106.

2. R.Janagavalli

3. V.Rajendiran

... Respondents

PRAYER:-

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code to call for the records pertaining to the proceedings in Crime No.491 of 2017 on the file of respondent/complainant and quash the same.

For Petitioner : M/S.J.Manikandan

For R1 : Mr.L.Baskaran  
Government Advocate  
(Crl. Side)

For R2 & R3 : Mr.T.V.G.Kartheeban  
No appearance

O R D E R

This Criminal Original Petition has been filed, seeking to quash the proceedings in Crime No.491 of 2017 pending on the file of 1<sup>st</sup> respondent police and quash the same.

2. A complaint was given by the mother of the petitioner for the alleged commission of offence under section 307 of IPC against the petitioner herein who is none other than her own son. The victim was the father of the petitioner. The



respondent/police, based on the said complaint, registered a case in Crime No.419 of 2017 under Section 307 IPC.

3. On earlier occasion, the parties have filed a compromise memo dated 17.03.2017 stating that they amicably settled the issues among them and all of them living together peacefully in the same house and in order to find out the status among the parties, this Court by order dated 01.11.2021, directed the defacto complainant, victim as well as the petitioner to appear before this Court.

4. Today, when this matter is taken up for consideration, the defacto complainant, victim and the petitioner appeared before the Court through web hearing and reported that they are living together peacefully without any issues and due to the sudden provocation, the petitioner has committed the offence and they already pardoned their son.

5. Ms.Kalaivani, learned counsel appearing for the petitioner, also identified the petitioner, defacto complainant and the victim, who appeared before this Court through the video conferencing.

6. The above said statements made by the defacto complainant and victim are recorded. No doubt, the offence punishable under Section 307 IPC is non-compoundable under Section 320 of Cr.P.C. However, this Court after considering the fact that the parties have settled their scores amicably, no fruitful purpose would be served to force upon the parties to undergo the trial, as it would be a futile exercise with no logical conclusion, more particularly, in view of the various judgments rendered by the Hon'ble Apex Court, one among such judgments is reported in "Mahesh Chand v. State of Rajasthan" (1989 CrI.L.J.121). In this case, the accused were acquitted by the trial court but were convicted by the High Court for the offence under Section 307 of the Indian Penal Code. Thereafter the parties want to have the offence compounded. While dealing with the above case, the Supreme Court observed as follows (Paras 2, 3 and 4) :-

"The accused were acquitted by the trial court, but they were convicted by the High Court for the offence under section 307 I.P.C. This offence is not compoundable under law. The parties, however, want to treat it a special case, in view of the peculiar circumstances of the case. It is said and indeed not disputed that one of the accused is a lawyer practising in the lower court. There was a counter case arising out of the same transaction. It is said that this case has already been compromised. The decision of this court in



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Suresh Babu v. State of Andhra Pradesh, (1987) 2 JT 361, has been also referred to in support of the plea for permission to compound the offence.

We gave our anxious consideration to the case and also the plea forward for seeking permission to compound the offence. After examining the nature of the case and the circumstances under which the offence was committed, it may be proper that the trial court shall permit them to compound the offence.

We, therefore, direct the trial Judge to accord permission to compound the offence, after giving an opportunity to the parties and after being satisfied with the compromise agreed upon ....."

Thus, in the above case the Supreme Court in the particular facts and circumstances of that case held that it may be proper that the trial court shall permit the parties to compound the offence and accordingly directed the trial Judge to accord permission to compound the offence under section 307 I.P.C., which is admittedly a non-compoundable offence. Thus the Supreme Court has given the benefit of compounding the offence under section 307 I.P.C. considering the special features of the case, wherein, the parties have amicably settled their scores and living together. In the present case also, as per the compromise memo dated 17.3.2017 and the statements made by the parties, viz., the defacto complainant, victim and the petitioner/accused before this Court that all of them are living together peacefully in the same house after settling their misunderstandings and disputes among themselves, in such circumstances, to secure the ends of justice, this Court is of the view that no purpose would be served even if the case proceeds further since the witnesses including the defacto complainant may not support the prosecution during the investigation or during the trial in view their compromise.

7. For the foregoing reasons, the Criminal Original Petition is allowed and the proceedings in Crime No.491 of 2017 pending on the file of the respondent/complainant are hereby quashed.

Sd/-  
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar



sp/jd

To

1. The Inspector of Police,  
K-8, Arumbakkam Police Station,  
Chennai - 106.
2. The Public Prosecutor,  
High Court, Madras.

CRL.O.P.NO.7920 OF 2017

PBS/29/11/2021