



Crl. O.P. No. 7556 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27/6/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No.7556 of 2022

a n d

Crl.M.P.No.4334 of 2022

1. Sudhakar

2. Srinivasan

...

Petitioners

Vs

1. State rep by
The Inspector of Police
T 12 Poonamallee Police Station
Chennai.

2. Maheshwari

...

Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records pertaining to the FIR in Crime No.251 of 2021 on the file of the Inspector of Police, T 12 Poonamallee Police Station, Chennai and quash the same.



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For Petitioner	...	Mr.M.P.Saravanan
For respondents	...	Mr.A. Gokulakrishnan Additional Public Prosecutor for R.1
		Mr.S.N.Subramani for R.2.

ORDER

This Criminal Original Petition has been filed, to quash FIR in Crime No.251 of 2021, pending on the file of the Inspector of Police, T 12 Poonamallee Police Station, Chennai.

First petitioner is land lord and second petitioner is a Contractor, who is the friend of the deceased.

2. The allegation in the First Information Report is that the deceased was engaged to paint in the house of the first petitioner's house on 14/4/2021, through second petitioner, who is a Contractor. While doing his work, when he shifted the ladder, he came in contact with the high voltage EB wire. Due to shock, he fell down, as a result, he was succumbed to injuries, on 14/4/2021.

3. The wife of the deceased lodged a complaint before the first



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respondent Police. F.I.R was registered in Crime No.251 of 2021, under Sections 304 (A) of the Indian Penal Code and the same is pending, on the file of the first respondent Police.

4. Heard Mr.M.P.Saravanan, learned counsel for the petitioner, Mr.A.Gokulakrishnan, learned Additional Public Prosecutor for the first respondent and Mr.S.N.Subramani, learned counsel for the second respondent.

5. Today, when the matter is taken up for hearing, the learned counsel appearing for the second respondent submitted that to avoid prosecution, first petitioner and the second respondent had entered into a mutual settlement, and settled the disputes amicably.

6. Petitioners and second respondent were present before this Court, with their respective counsel and the second respondent had filed an affidavit dated 27/6/2022.

7. On enquiry, the second respondent submitted that the first



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petitioner/Sudhakar came forward to give compensation of Rs.2,00,000/- through RTGS, vide Reference No.UTIBR2022062700354633 dated 27/6/2022 and the second petitioner has deposited Rs.3,00,000/- as compensation in her Bank account through RTGS, vide Reference No.IDIDBR5202206272 dated 27/6/2022, drawn on Indian Bank, Poonamallee Branch, Chennai.

8. On a perusal of the materials available on record, it would indicate that while painting, the deceased came into contact with the live EB wire and died. The very allegation itself is clear that its a case of mere accident and no material is available on record either to attribute rashness or negligent act on the part of the accused.

9. While deciding whether to exercise its power under Section 482 of the Code of Criminal Procedure or not, timings of settlement play a crucial role. In those cases where the settlement is arrived at, after the alleged commission of offence, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation.

10. Keeping in view the facts and circumstances of the case, as the



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matter has been settled between the parties and the settlement amount has been received by the second respondent from the petitioners, this Court is inclined to quash the proceedings emanating from Crime No.251 of 2021, pending on the file of the first respondent Police.

11. Accordingly, this Criminal Original Petition is allowed and Crime No.251 of 2021 pending on the file of the Inspector of Police, T 12 Poonamallee Police Station, Chennai, is quashed. Affidavit of the second respondent, dated 27/6/2022 shall form part of the records. Consequently, the connected Criminal Miscellaneous Petition No.4334 of 2022 is closed.

27/6/2022

Index : Yes / No
Internet: Yes
Speaking/non speaking order

mvs.

Note: Issue order copy on 6/7/2022

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To

1. The Inspector of Police
T 12 Poonamallee Police Station
Chennai.
2. The Public Prosecutor
Madras High Court.



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mvs.

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