



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 15.06.2022

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Crl.O.P.No.9939 of 2022

A.Thankachan

... Petitioner/Accused

Vs.

1.State Represented by,
The Inspector of Police,
B-8, Pullarambakkam Police Station,
Thiruvallur.

.. Respondent/Complainant

2.Godhandaraja

... Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to Crime No.375 of 2021 and quash the same pending on the file of the 1st respondent herein.

For Petitioner : Mr.P.Parthipan
For Respondent : Mr.A.Gokula Krishnan
Additional Public Prosecutor
for R1

Mr.Nagarajan for R2

O R D E R

This Criminal Original Petition has been filed to call for the records in Crime No.375 of 2021 on the file of the first respondent police and quash the FIR against the petitioner.

2.The crux of the allegation in the FIR found that the deceased was driving a tractor of the accused on 01.10.2021. While tilling the land, the tractor capsized, as a result he sustained grievous injuries and ultimately, he succumbed to the injuries, thereby the accused is prosecuted.

3.The FIR has been registered based on the complaint given by the brother of the deceased. The defacto complainant and the accused person were present before this Court and they were identified by their respective counsel and the respondent police also present before this Court. It is stated that the compromise has been arrived between them and a total sum of Rs.8,00,000/- was paid to the family members of the deceased. To substantiate the same, a copy of the Demand Drafts and the fixed deposit



receipts were also filed. The defacto complainant submitted that he is no longer interested in conducting the proceedings, since the compensation is paid. Though, the offence under Section 304 (A) of IPC is not compoundable, taking note of the very FIR itself which indicates that no allegations were made against the accused for any rashness or negligence on his part, which resulted in the accident, in the absence of any allegation attributing against the accused as to the rashness or negligence, the offence under Section 304(A) would not be attracted. That apart, considering the fact that the deceased met with an accident, a necessary compensation has also to be paid and the necessary documents were also placed before this Court to prove the payment of the compensation amount to the family of the deceased.

4. Under such circumstances, no useful purpose will be served in keeping the First Information Report pending. Even though, the offence involved is 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., inclined to quash the First Information Report in Crime No.375 of 2021.

5. In the result, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.375 of 2021, on the file of the 1st respondent police, is quashed and the terms of the Memorandum of Understanding dated 20.01.2022 shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

(*Herein enter the Memo of Understanding dated 20.01.2022)

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ssr

To

1.The Inspector of Police,

B-8, Pullarambakkam Police Station, Thiruvallur.

2.The Public Prosecutor, High Court, Madras.

Crl.O.P.No.9939 of 2022

RR(CO)

A.SK(05/07/2022)