



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24/06/2022

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.14417 OF 2022

N.Nataraj @ Natarajan

... Petitioner

Vs

1. The State
rep. By The Inspector of Police
T 10 Thirumullaivoyal Police Station
Chennai.

2. K.Bhuvaneshwari

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records in C.C.No.17 of 2021 in Crime No.129 of 2020 on the file of the Judicial Magistrate Court, Ambattur and quash the same.

For Petitioner ... Mr.S.Saranraj

For Respondents ... Mr.A.Gokulakrishnan
Additional Public Prosecutor
for R.1

Mr.S.Baskar
for R.2.

O R D E R

This Criminal Original Petition has been filed to quash C.C.No.17 of 2021, registered in Crime No.129 of 2020, on the file of the Judicial Magistrate Court, Ambattur.

2. The allegation in the First Information Report is that the deceased was engaged to paint in the house of the accused on 14/2/2020. While doing his work, when he shifted the ladder, he has fallen down from third floor, as a result, he was succumbed to injuries, on 19/2/2020.



3. The wife of the deceased lodged a complaint before the first respondent Police. F.I.R was registered in Crime No.129 of 2020, under Sections 304 (A) of the Indian Penal Code and after investigation, charge sheet was filed in C.C.No.17 of 2021 and the same is pending, on the file of the learned Judicial Magistrate, Ambattur.

4. Heard Mr.S.Saranraj, learned counsel for the petitioner, Mr.A.Gokulakrishnan, learned Additional Public Prosecutor for the first respondent and Mr.S.Baskar, 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, petitioner and the second respondent had entered into a mutual settlement, and settled the disputes amicably.

6. Petitioner and second respondent were present before this Court, with their respective counsel and filed a Joint Memo of Compromise dated 20/6/2022.

7. On enquiry, the second respondent submitted that the petitioner/Nataraj @ Natarajan came forward to give compensation of Rs.1,00,000/- through cheque bearing No.350724, dated 20/6/2022, drawn on ICICI bank, Annanagar West Branch, and also accepted to pay a further sum of Rs.20,000/- for five years, i.e., from 2022 to 2027, for education expenses for her children, after closure of C.C.No.17 of 2021. She is ready to withdraw C.C.No.17 of 2021 pending on the file of the learned Judicial Magistrate, Ambattur, Chennai.

8. On a perusal of the materials available on record, it would indicate that while painting, the deceased fell down from the ladder. The very allegation itself is a 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 matter has been settled between the parties and the settlement amount has been received by the second respondent



from the petitioner, this Court is inclined to quash all the proceedings emanating from C.C.No.17 of 2021, pending on the file of the learned Judicial Magistrate, Ambattur, Chennai.

11. Accordingly, this Original Petition is allowed and C.C.No.17 of 2021 in Crime No.129 of 2020 on the file of the Judicial Magistrate Court, Ambattur is quashed. Joint Memo of Compromise dated 20/6/2022 shall form part of the records.

* Herein Enclosed the Xerox Copy of the Joint Memo of Compromise dated 20.06.2022.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The Judicial Magistrate, Ambattur
2. The Inspector of Police
T 10 Thirumullaivoyal Police Station
Chennai.
3. The Public Prosecutor
Madras High Court.

+2ccs to Mr.S.Saranraj, Advocate, S.R.No.39190

Cr1.O.P.No.14417 of 2022

AJB(CO)
RLP(01/07/2022)