



CrI. O.P. No. 15336 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11/7/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CrI. O.P. No.15336 of 2022

1. Manikandan
2. Hanuman @ Hanuman Ram ... Petitioners

Vs

1. State
rep. By The Inspector of Police
T 4 Madhuravoyal Police Station
Chennai.

2. Sathish ... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records in Crime No.206 of 2022, pending on the file of the first respondent and quash the same under the grounds of compromise.

For Petitioner ... Mr.M.Anandaraj

For respondents ... Mr.E.Raj Thilak
Additional Public Prosecutor
for R.1

R.2 – appeared in person



ORDER

This Criminal Original Petition has been filed to quash Crime No.206 of 2022, pending on the file of the first respondent, for the offences punishable under Section 304 (A) of the Indian Penal Code.

2. The allegation in the First Information Report is that the deceased was engaged to fix the advertisement board size 2- x 4, at Jayalakshmi Electrical and Fleming, No.4/243, Sri Andal Nagar, Alapakkam, Chennai 116. While doing his work, on 11/4/2022, at 07.00 p.m., he got electric shock, as a result, he was succumbed to injuries.

3. The brother of the deceased/second respondent lodged a complaint before the first respondent Police. F.I.R was registered in Crime No.206 of 2022, for the offence punishable under Section 304 (A) of the Indian Penal Code.

4. Heard Mr.M.Anandaraj, learned counsel for the petitioner and Mr.E.Raj Thilak, learned Additional Public Prosecutor for the first respondent.



5. Today, when the matter is taken up for hearing, the learned counsel appearing for the second respondent submitted that to avoid prosecution, petitioners 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 filed a Compromise Affidavit, dated 11/7/2022. Mr.N.Perumalsamy, Sub-Inspector of Police, T 4 Madhuravoyal Police Station, Chennai 95 was present to identify the parties. In order to identify the respective parties, they have produced the copies of Aadhaar card.

7. On enquiry, the second respondent submitted that the petitioners came forward to give compensation of Rs.3,00,000/- (Rupees Three lakhs only) through D.D bearing No.06636, drawn on City Union Bank Limited, Nungambakkam, Chennai, payable towards compensation to the mother of the deceased, viz., V.Kalvikarasi.

8. On a perusal of the materials available on record, it would indicate that while fixing the advertisement board, the deceased got electric shock. 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 matter has been settled between the parties and the settlement amount has been received by the mother of the deceased from the petitioners, this Court is inclined to quash all the proceedings emanating from Crime No.206 of 2022, pending on the file of the Inspector of Police T 4 Madhuravoyal Police Station, Chennai.

11. Accordingly, this Original Petition is allowed and Crime No.206 of 2022, pending on the file of the Inspector of Police, T 4 Madhuravoyal Police



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Station, Chennai, is quashed. Compromise Affidavit, dated 11/7/2022 shall form part of the records.

11/7/2022

Index : Yes / No

Internet: Yes

Speaking/non speaking order

mvs.

To

1. The Inspector of Police
T 4 Madhuravoyal Police Station
Chennai.
2. The Public Prosecutor
Madras High Court.



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N. SATHISH KUMAR, J
mvs.

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