



Crl.O.P.No.30141 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.30141 of 2022

1. Shanmuga Vinayagam

2. Alexander

... Petitioners

Vs.

1. The State of Tamil Nadu,
Inspector of Police,
V-1, Villivakkam Police Station,
Chennai.

2. Deivanayagi

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to F.I.R.No.780 of 2021 on the file of 1st respondent police and quash the same.

For Petitioner : Mr.M.Mohamed Riyas

For R1 : Mr.S.Santhosh
Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition has been filed to call for records relating to FIR No. 780 of 2021 on the file of 1st respondent police and quash the same.

2. When the matter is taken up for hearing, the learned counsel for the petitioner submitted that this case was registered for the offences under Sections 304(A), 338 of IPC in Crime No.780 of 2021 on the file of the V-1, Villivakkam Police Station.

3. It is seen from the F.I.R., the allegation is that, when the deceased Selvakumar and the injured Kinjohn @ Kimburgoyan were painting the building bearing No.464/9 using a long rope, the wall had broken, resulting in which, the deceased Selvakumar sustained grievous injuries and died on the spot and the injured Kinjohn sustained fracture injuries and got admitted in the hospital. Now, the defacto complainant namely Deivanayagi, mother of the deceased Selvakumar and the injured Kinjohn have compromised the issue with the accused and they are present before this Court. As a result of compromises, the defacto complainant was paid a sum of Rs. 5,00,000/- [Rs. 2.5 lakhs by cash and another Rs. 2.5 lakhs by cheques]. The victim Kinjohn was paid a sum of Rs.2,50,000/- in cash and Rs.50,000/- through cheque. Both the defacto



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complainant and the victim are not interested in prosecuting the accused in this case and they have no objections for quashing the complaint. The affidavits filed by the defacto complainant Deivanayagi and the victim Kinjohn along with the joint memo filed by the defacto complainant and the petitioners are produced for consideration of this Court.

4. Under such circumstances, no useful purpose will be served in keeping the First Information Report pending, even though, the offences involved are 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 Gujrath)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the First Information Report in Crime No.780 of 2021.

5. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.780 of 2021, on the file of the first respondent police is quashed and the terms of joint compromise memo shall form part and parcel of this order.

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Sma
Index: Yes/No
Speaking/Non speaking order



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G.CHANDRASEKHARAN.J.,

Sma

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