



Crl.O.P.(MD) No.16813of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.11.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.16813 of 2022

Kathiravan

...Petitioner

-VS-

1. The Inspector of Police
Samayanallur Police Station,
Madurai District.

2. P.Achudhan
3. Vijayalakshmi

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records of the impugned charge sheet in S.C. No.266 of 2022 on the file of the learned Sessions Judge, Mahila Court, Madurai and quash the same as illegal as against the Petitioner.

For Petitioner	: Mr.A.AbdulKabur
For R-1	: Mr.B.Nambi Selvan Additional Public Prosecutor
For R2 and R3	: Mr.K.Sathiyendran



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ORDER

This Criminal Original Petition has been filed to quash the charge sheet in S.C. No.266 of 2022 on the file of the learned Sessions Judge, Mahila Court, Madurai.

2. The learned Counsel for the Petitioner would submit that the Petitioner had entered into compromise with the defacto complainant/second Respondent. Subsequent to the Registration of the First Information Report and during the pendency of the case before the Court concerned the Petitioner had entered into compromise and also filed joint memo for compromise. On the strength of the joint memo for compromise he seeks to quash the charge sheet in S.C.No.266 of 2022 on the file of the learned Sessions Judge, Mahila Court, Madurai.

3. The learned Counsel appearing for the Respondents 2 and 3 present before this Court.



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4. The learned Additional Public Prosecutor objected to quash the charge sheet stating that the offence committed by the Petitioner is grave in nature. Further Section 307 of IPC cannot be considered to be compounded as per the provisions under Section 320 of Cr.P.C. Further he also invited the attention of this Court to the charge sheet regarding the charges as against the Petitioner. Therefore he seeks to dismiss the petition.

5. The learned Counsel for the Petitioner by way of rejoinder submitted that the Petitioner and the defacto complainant are relatives. He would also submit that no one sustained injuries in the said occurrence. The Petitioner said to have uttered words threatening the defacto complainant that he will kill her and thrown the knife but had not caused any injuries. Therefore the provision of Section 307 of IPC would not be attracted/

6. On perusal of the judgment placed by the learned Additional Public Prosecutor and the submission of the learned Additional Public Prosecutor in the facts of this case, this Court is of the opinion that the reported ruling is not applicable in this case, as the offence under Section 307 of IPC is not



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at all attracted in this case. No grievous injury suffered by the defacto Complainant in this case. The section of 307 of IPC is invoked only on the accused throwing the knife at defacto complainant and uttering the word that he will kill her. No injury caused on the defacto Complainant. Further that case was not the case of sole accused. Here the complainant and the accused belong to the same family. The defacto complainant is the sister-in-law and the Petitioner is the brother-in-law. In the light of the above amicable settlement between the family members, the joint compromise memo filed by the Petitioner and the Respondents 2 and 3 is accepted and facts of the case submitted by the learned Additional Public Prosecutor vide ruling of the Hon'ble Supreme Court is differentiated and hence this Criminal Original Petition stands allowed and the proceedings in S.C. No. 266 of 2022 on the file of the learned Sessions Judge, Mahila Court, Madurai is hereby quashed.

04.11.2022

Internet:Yes./No

Index:Yes/no

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To

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1. The Sessions Judge, Mahila Court, Madurai
2. The Inspector of Police
Samayanallur Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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