



Crl.O.P.(MD) No.17146 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.10.2022

CORAM

THE HON'BLE MR.JUSTICE **SATHI KUMAR SUKUMARA KURUP**

CRL.O.P(MD)No.17146 of 2022

Arul @ Aruldoss

...Petitioner

vs

1.The State represented by
The Inspector of Police,
Kabisthalam Police Station,
Thanjavur District.
(Cr.No.334 of 2016)

2.Manikandan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for entire records pertaining to the case in Cr.No.334 of 2016 pending on the file of the Inspector of Police, Kabisthalam Police Station, Thanjavur and to quash the same as far as the Petitioner is concerned.

For Petitioner : Mr.R.L.Dhilipan Pandian

For R1 : Mr.B.Nambi Selvan
Additional Public Prosecutor

For R2 :Mr.L.Siva



CrI.O.P.(MD) No.17146 of 2022

ORDER

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This Petition is filed to quash the Cr.No.334 of 2016 pending on the file of the Inspector of Police, Kabisthalam Police Station, Thanjavur insofar as the Petitioner is concerned.

2.Heard the learned Counsel for the Petitioner, learned Additional Public Prosecutor appearing for the first Respondent and the learned Counsel for the second Respondent.

3.The learned Counsel for the Petitioner submitted that the Petitioner is arrayed as A3 in Cr.No.334 of 2016 pending on the file of the Inspector of Police, Kabisthalam Police Station, Thanjavur. The occurrence is alleged to have been taken place in the village temple festival. There is no injury to the De-Facto Complainant, either endangering his life or he having undergone treatment as in-patient in Government Hospital. Therefore, wantonly, the first Respondent had included the offence under Section 307 IPC. Further, the learned Counsel for the Petitioner submitted that the FIR is of the year 2016. Till date, charge sheet is not filed. Further, he submitted that subsequent to the registration of the case, the De-Facto Complainant and the Petitioner had entered into compromise, as both are residing



in the same village.

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4.The learned Counsel for the Petitioner relied upon the following Rulings:

(a)Vikaram Johar vs the State of Uttar Pradesh (2019 SCC online SC 609)

(b)State of Haryana and others vs Bhajan Lal and others (1992 AIR 604)

(c)Vineet Kumar and others vs State of Uttar Pradesh and another ((2017) 4 SCC (Cri) 633)

(d)State of Madhya Pradesh vs Laxmi Narayan (2019 AIR SC 1296)

(e)Lovely Salhitra vs State of NCT of Delhi ((2018) 12 SCC 391).

5.The learned Additional Public Prosecutor vehemently objected to the submission of the learned Counsel for the Petitioner stating that the offence under Section 307 IPC is serious in nature and investigation is still pending. Also, the learned Additional Public Prosecutor invited the attention of this Court to the averments made in the FIR stating that the accused, whose names are found in the FIR, had caused injury using stones on the De-Facto Complainant and other individuals. Therefore, the learned Additional Public Prosecutor seeks to dismiss this Petition.



CrI.O.P.(MD) No.17146 of 2022

6.The learned Counsel for the Second Respondent/De-Facto Complainant submitted that the second Respondent had voluntarily entered into compromise with the Petitioner without any threat or coercion from the accused.

7.In the light of the submissions of the learned Counsel for the Petitioner as well as the learned Counsel for the second Respondent, the objection of the learned Additional Public Prosecutor is rejected, as investigation had not been completed and final report not laid before the Court of the competent jurisdiction.

8.In the light of the above, this Criminal Original Petition is allowed and the case in Cr.No.334 of 2016 pending on the file of the Inspector of Police, Kabisthalam Police Station, Thanjavur, is quashed insofar as the Petitioner is concerned. The Joint Compromise Memo shall form part of this order.

Index:Yes/No

11.10.2022

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Crl.O.P.(MD) No.17146 of 2022

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The Inspector of Police,
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Crl.O.P.(MD) No.17146 of 2022

SATHI KUMAR SUKUMARA KURUP, J.

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CRL.O.P(MD)No.17146 of 2022

11.10.2022