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Crl.OP.No.21906 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.21906 of 2023

and

Crl.M.P.No.15174 of 2023

1.A.Kadhar
S/o.Ayub

2.I.Sultan
S/o.Ismail

... Petitioners

Vs.

1.The State represented by
The Inspector of Police,
S-14, Peerkankaranai Police Station,
Chengalpattu District.

2.K.Suresh
S/o.Kuppusamy

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C.,
praying to call for the records and quash the proceedings as against the
petitioners in C.C.No.290 of 2022 pending on the file of Judicial
Magistrate I, Tambaram.



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For Petitioners : Mr.M.Mohamed Riyaz

For Respondents : Mr.A.Gopinath
Government Advocate [Crl.side]

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.290 of 2022 pending on the file of Judicial Magistrate I, Tambaram.

2. The case is still at the stage of trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. A Memorandum of Joint Compromise signed by both parties has been filed before this Court. The petitioners and second respondent were also present in person before this Court and they were identified by Ms.T.Kavitha, T6 Peerrkenkaranai Tambaram City [94981 97744]. In the affidavit, it has been stated that the petitioners and the second respondent have entered into a compromise and amicably settled their issues in C.C.No.290 of 2022 pending on the file of Judicial Magistrate I, Tambaram.



4. This Court also carefully considered the facts of the case on merits. It is seen that the deceased was engaged in demolition of an old building. While removing the valve from the fire extinguisher, due to pressure, it paved way for the gas to gush out and hit the left side neck of the deceased and he lost his balance and fell down and as a result, he sustained injuries at the back of the head. This resulted in his death. On carefully going through the materials placed before this Court, this Court finds that the offence u/s.304-A IPC is not made out. Even otherwise, the First Information Report was registered on 16.10.2015, whereas the final report was filed after nearly 7 years on 06.09.2022. The offence u/s.304-A IPC is punishable with a maximum sentence of two years and hence, the final report ought to have been filed within a period of three years. Thereafter, it will be barred u/s.468(2)(c) of Cr.P.C. If the final report is taken on file beyond the period of limitation, the Court below has to follow the procedure u/s.473 Cr.P.C. and this procedure has not been followed in this case. Accordingly, even on merits, the proceedings is liable to be interfered with by this Court.

5. The wife of the deceased *viz.*, Zeaberiya Begum was present before this Court. She stated that her husband died due to an accident.



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She further stated that she has received a total sum of Rs.10,00,000/- as compensation and a sum of Rs.8,00,000/- was already paid and a sum of Rs.2,00,000/- was paid today in the open Court by way of a demand draft. She stated that she is no longer interested in prosecuting this case. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6. Under such circumstances, no useful purpose will be served in keeping the case 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)** and after exercising due caution as advised by the Hon'ble Supreme Court in **The State of Madhya Pradesh v. Dhruv Gurjar and Another** reported in **(2019) 2 MLJ Crl 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the case in C.C.No.290 of 2022 pending on the file of Judicial Magistrate I, Tambaram.

This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.290 of 2022 pending on the file of Judicial



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Magistrate I, Tambaram, is quashed and the terms of affidavit shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

22.09.2023

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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To

- 1.The Judicial Magistrate I,
Tambaram.
- 2.The Inspector of Police,
S-14, Peerankaranai Police Station,
Chengalpattu District.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.



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N.ANAND VENKATESH, J.

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