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Crl.O.P.No.25166 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.25166 of 2023

S.Ganesan

... Petitioner

Vs.

1.TheState Rep.by
The Inspector of Police,
J-4, Kottupuram Police Station,
Chennai-600 035
(Crime No.1083/2017)

2.M.Rahul

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to graciously pass orders to quash the charge sheet and criminal case pending in PRC.No.99 of 2019 on the file of the IX Metropolitan Magistrate Court, Saidapet.

For Petitioner : Mr.R.Kannan

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

For R2 : Mr.K.M.Subramanian

ORDER

This Criminal Original Petition is filed under Section 482 Cr.P.C to quash the P.R.C.No.99 of 2019 on the file of the IX Metropolitan Magistrate



Court, Saidapet is likely to be committed to the Court of Sessions for trial, since the offence is under Section 306 IPC.

2. According to the petitioner, there was money dispute between the deceased Mohan Kumar and the accused. The said Mohan Kumar committed suicide on 16.09.2017 leaving behind the suicide note implicating the petitioner herein. The police initially registered the case under Section 174(3) Cr.P.C., later altered to Section 306 IPC and filed the final report.

3. The learned counsel appearing for the petitioner submitted that the deceased and the accused are related to each other. The incident happened due to money dispute. The parties had already approached the civil Court for recovery of money and the matter been settled out of Court. Now the family members of the deceased not inclined to proceed against the petitioner herein and same has to be taken and the complaint may be quashed.

4. This Court is of the firm view that Section 482 Cr.P.C., is not meant for quash the non compoundable grave offence just because the parties are entered into compromise. If such practice is entertained, the barbaric criminal jurisdiction of blood money will come into play. The



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learned Judicial Magistrate is directed to commit the case to the Court of Sessions as expeditiously as possible and on such committal, the trial Court shall take up the case on priority basis and dispose the same.

5. With this directions, this Criminal Original Petition is disposed of.

08.11.2023

Index : Yes/No
Neutral Citation : Yes/No
rpl

To

1.The IX Metropolitan Magistrate Court, Saidapet, Chennai.

2.The Inspector of Police,
J-4, Kottupuram Police Station,
Chennai-600 035.

3.The Public Prosecutor,
High Court of Madras,
Chennai.

Dr.G.JAYACHANDRAN, J.

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