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Crl.O.P.No.32691 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.32691 of 2022

and

Crl.M.P.No.20198 of 2022

N.Chandrasekar

...

Petitioner

Vs.

1.State rep., by
The Inspector of Police,
Pallavaram Police Station,
St.Thomas Mount, Chennai,
(Crime No.375 of 2019)

2.N.Raja

...

Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to the case in crime No.375 of 2019 on the file of the 1st respondent Pallavaram police station, Chennai District and quash the same.

For Petitioner : Mr.V.R.Appaswamee

For Respondent : Mr.S.Santhosh
No.1 Government Advocate (Crl. Side)

For Respondent : Mr.V.Manimaran
No.2

ORDER



Crl.O.P.No.32691 of 2022

This Criminal Original Petition is filed to call for the records relating to the case in crime No.375 of 2019, on the file of the first respondent and quash the same.

2.The case of the prosecution is that on 23.10.2018, the second respondent/defacto complainant fell down while doing roofing work under the employment of the petitioner. The specific allegation against the petitioner is that the second respondent/defacto complainant was instructed to do the work without providing life safety equipments. The second respondent/defacto complainant accidentally fell down, got injuries in head and hand. Therefore, he lodged a complainant before the first respondent for the offences under Section 338 IPC for the injuries suffered by him.

3.When the matter is taken up today, a joint compromise memo is filed by petitioner and the second respondent/defacto complainant. The second respondent/defacto complainant has filed a consent affidavit stating that he has no objection to quash the FIR against the petitioner.

4.The petitioner and the second respondent/defacto complainant are



Crl.O.P.No.32691 of 2022

present before this Court. The second respondent/defacto complainant reiterated that he does not want to proceed further in this case against the petitioner for the reason that he was paid Rs.50,000/- (Rupees Fifty Thousand only) as compensation on the basis of the Lok Aalat settlement. A copy of the Lok Adalat Award dated 02.09.2022 is also produced. In the joint compromise memo filed, it is alleged that the petitioner and the second respondent/defacto complainant have arrived at an amicable settlement. The second respondent/defacto complainant had also submitted that he received the compensation for a sum of Rs.50,000/- and also he was given employment by the petitioner.

5.Taking note of all these facts and the fact that the case was registered under Section 338 IPC and that the parties have resolved their dispute, wherein, the second respondent/defacto complainant was paid monetary compensation as well as employment, no useful purpose will be served in keeping the First Information Report pending. Thus, this Court permits compounding of the offences.

6.In the light of the guidelines given by the Hon'ble Supreme Court



Crl.O.P.No.32691 of 2022

reported in **2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State**

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of Gujrath), this Court in exercise of its jurisdiction under Section 482

Cr.P.C., quashes the First Information Report in Crime No.375 of 2019.

7.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No. 375 of 2019, 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. Consequently, connected miscellaneous petition is also closed.

09.01.2023

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Internet:Yes

Index:Yes/No

Speaking/Non speaking order

To:

1.The Inspector of Police,
Pallavaram Police Station,
St.Thomas Mount, Chennai,
(Crime No.375 of 2019)

2.The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.32691 of 2022

G.CHANDRASEKHARAN, J.
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Crl.O.P. No.32691 of 2022

09.01.2023