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Crl.O.P.No.1777 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.1777 of 2024

And

Crl.M.P.No.1228 of 2024

M.Dilip Kumar

... Petitioner

Vs.

1.The Inspector of Police
V-7, Nolambur Police Station,
(Anna Nagar District)
Chennai.

2.B.Kotteeswari

... Respondents

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the records in Cr.No.66 of 2023 pending on the file of the first respondent police and quash the registered against him as he is innocent.

For Petitioner : Mr.A.M.O.Gurunarayana Rao
For Respondents : Mr.A.Gopinath for R1
Government Advocate (Crl. Side)

ORDER

The criminal original petition has been filed seeking to quash the F.I.R. in Crime No.66 of 2023, pending on the file of the first



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respondent.

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2.The case is still at the stage of investigation. The parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3.The learned Government Advocate (Crl. Side) made strong objections to quash the F.I.R. on the ground that the F.I.R. has been registered for the offence under Section 304 A of I.P.C. The learned Government Advocate (Crl. Side) submitted that the husband of the second respondent died only due to the negligence on the part of the petitioner and therefore the case cannot be closed on the ground of compromise.

4.This Court enquired the second respondent who was present before this Court in person. She stated that her husband died due to an accident where he was electrocuted while he was working. She enquired and came to understand that the demise was not due to the negligence of the petitioner.

5.This Court also carefully went through the allegations made in



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the F.I.R. It is seen that the deceased was working in the house of

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the petitioner and he was involved in doing painting works in the house of the petitioner. While he was engaged in that work, the ladder came in contact with a transformer and as a result, the second respondent's husband was electrocuted. Even if the allegations made in the F.I.R. are take as it is, it cannot be said that the petitioner was the causa causans for this incident. Therefore, strictly speaking no offence is made out in this case.

6.The Joint Memo of Compromise dated 07.02.2024 has been filed before this Court which have been signed by the petitioner and the second respondent. The petitioner and the second respondent were also present in person before this Court and they were identified by Mr.T.Thamaraikani, Head Constable, V-7 Nolambur Police Station (L&O). In the Joint Memo of Compromise it has been stated that the petitioner and the second respondent had entered into a compromise and amicably settled their issues in Crime No.66 of 2023. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.



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7.Under such circumstances, no useful purpose will be served in

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keeping the First Information Report 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 Vs. Dhruv Gurjar and Another** reported in **(2019) 2 MLJ CrI 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the First Information Report in Crime No.66 of 2023, on the file of the first respondent Police.

8.This criminal original petition stands allowed and as a sequel, the proceedings in Crime No.66 of 2023, on the file of the first respondent police, is quashed and the terms of Joint Memo of Compromise shall form part and parcel of this order. The petitioner shall pay a sum of Rs.2,500/- (Rupees Two Thousand and Five Hundred Only) as costs, to the credit of the **President, Tamil Nadu Advocates Clerk Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c No.484026006, IFSC**



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Code:IDIB000M157), within a period of one week from the date of

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receipt of a copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

9.This criminal original petition stands allowed. Consequently, the connected miscellaneous petition is closed.

07.02.2024

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

1.The Inspector of Police
V-7, Nolambur Police Station,
(Anna Nagar District)
Chennai.

2.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



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N.ANAND VENKATESH,J.
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