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CrI.O.P.(MD)No.21277 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P(MD)No.21277 of 2024

Gobi Krishnan

... Petitioner

-Vs-

1.The State of Tamil Nadu rep. by
The Inspector of Police,
Suchindram Police Station,
Kanyakumari District.
(Crime No.47 of 2024)

2.Syed Ali Fathima Mohammed Shali

... Respondents

Prayer: Criminal Original Petition - filed under Section 528 of Bharatiya
Nagarik Shuraksha Sanhita, to call for the records and to quash the same
in Crime No.47 of 2024 on the file of the first respondent police.

For Petitioners	: Mr.S.Jebastin
For R1	: Mr.K.Sanjai Gandhi Government Advocate (CrI.Side)
For R2	: Mr.Deepan Chakkaravarthi

ORDER

The Criminal Original Petition has been filed to quash the First
Information Report in Crime No.47 of 2024 on the file of the first
respondent Police.



2. The case of the prosecution is that when the son of the defacto complainant was about to park his vehicle in the parking area, the petitioner came in a car and dashed against the petitioner and caused death. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the second respondent has lodged a complaint before the first respondent Police and on that basis, F.I.R. came to be registered in Crime No.47 of 2024 for the offences under Sections 304 (2) IPC.

4. The case is still under the investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

5. A Joint Memo of Compromise has been filed before this Court, which has been signed by the petitioner and the second respondent and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified by Mr.Sathish, SSI of Police, Suchindram Police Station, Kanyakumari District as well as by the learned counsel appearing for the parties. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.



WEB COPY

6. In the instant case, the petitioner is the sole accused. The negligent on the part of the petitioner caused death of the defacto complainant's son. The petitioner has also given compensation to the tune of Rs.27 lakhs. Now the parties have compromised the matter amicably. The High Court has power to quash the complaint even if the offences are non compoundable in nature, considering the facts and circumstances of the case.

7. The legal position expressed by the Hon'ble Apex Court in the case of *Gian Singh vs. State of Punjab and another* reported in *(2012)10 SCC 303* and *Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat* reported in *(2017) 9 SCC 641* were taken into consideration.

8. In the light of the guidelines issued in the above said Judgments of the Hon'ble Apex Court, no useful purpose will be served in keeping the proceedings in Crime No.47 of 2024, pending before the first respondent Police, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.47 of 2024, 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.

WEB COPY

10.12.2024

Index : Yes/No

Internet : Yes/No

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To

- 1.The Inspector of Police,
Suchindram Police Station,
Kanyakumari District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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