



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2016

CORAM:

THE HONOURABLE DR. JUSTICE S.VIMALA

CrI.O.P. (MD).Nos.10375 and 10376 of 2016

CrI.O.P. (MD).No.10375 of 2016

1.Manikandan @ Karuppiyah
2.Arun
3.Partheeban
4.Karthikeyan
5.Rajalingam
6.Shankar @ Sivasankar
7.Praveen @ Praveen Anand
8.Vivek
9.Vijay

.. Petitioners/
A1 to A9

Vs.

1.The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.
(Crime No.133 of 2016)

.. 1st respondent/
Complainant

2.Sivakrishnan

.. 2nd respondent /
Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records in Crime No.133 of 2016, pending on the file of the first respondent Police and quash the same.

For Petitioner : Mr.S.M.Sanjay

For 1st respondent : Mr.A.P.Balasubramani,
Government Advocate
(Criminal side)

For 2nd respondent : Mr.D.Palanikumar

CrI.O.P. (MD).No.10376 of 2016

<https://hcservices.ecourts.gov.in/hcservices/>

1.Sivakrishnan
2.Boominathan



3.Venkatesh
4.Yogaraj
5.Sundar @ Shanmugasundaram
6.Natchiappan
7.Prabakaran
8.Senthil
9.Manikandan
10.Muthuvel @ Muthuvelsamy
11.Jeykumar
12.Neelamegam
13.Gnanakarthi Sudhan

.. Petitioners/
A1 to A13

Vs.

1.The Inspector of Police,
Alagappapuram Police Station,
Sivagangai District.
(Crime No.24 of 2016)

.. 1st respondent/
Complainant

2.Manikandan @ Karuppiyah

.. 2nd respondent /
Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records in Crime No.24 of 2016, pending on the file of the first respondent Police and quash the same.

For Petitioner : Mr.D.Palanikumar

For 1st respondent : Mr.A.P.Balasubramani,
Government Advocate (Criminal side)

For 2nd respondent : Mr.S.M.Sanjay

COMMON ORDER

Section 482 Cr.P.C., saves inherent power of the Court. Such inherent power can be exercised either to prevent the abuse of the process of the Court or otherwise to secure the ends of justice. Invoking such inherent power, this petition has been filed to quash the proceedings on the ground that the continuance would amount to abuse of the process of the Court.

2. A case in Crime No.24 of 2016 has been registered under Sections 147, 148, 341, 324, 294(b) and 506(ii) I.P.C. by the 1st respondent against the petitioners in CrI.O.P.(MD).No.10376 of 2016.



2.1. As a counter blast, a case in Crime No.133 of 2016 has been registered under Sections 147, 148, 294(b), 323, 324 and 506 (ii) I.P.C. by the 1st respondent, against the petitioners in CrI.O.P.(MD)No.10375 of 2016.

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3. When these matters are taken up for hearing, the petitioners and the second respondent in both the cases, appeared in person and their identifications were verified by this Court, in addition to the confirmation of the identity of the parties by the learned Government Advocate (CrI.Side) through the respondent police.

4. The respective parties filed joint memos of compromise, dated 22.06.2016, duly stating that they have arrived at an amicable settlement, under which the respective second respondent has agreed to withdraw the above cases in Crime Nos.24 and 133 of 2016 pending on the file of the first respondent.

4.1. The de-facto complainants and the injured persons viz., Gnanakarthisudhan, Jeyakumar, Neelamegam, Manikandan @ Karuppiyah, Partheeban and Arun, who are personally present before this Court, themselves stated that they sustained only simple injury; there is no grievous hurt; for the injury, they took treatment only for few days; they now compromised the matter; the compromise memos submitted by them may be recorded and the cases registered in Crime Nos.24 and 133 of 2016 may be quashed. The said statement is recorded.

4.2. From the compromise memos and the above statement made by the defacto complainants and the injured, this Court can safely infer that the chances of the defacto complainants deposing against the petitioners is less and therefore, the chances of conviction of the accused is bleak.

5. The Hon'ble Supreme Court in the case of B.S.Joshi vs. State of Haryana, reported in (2003) 4 SCC 675 held that the High Court can quash the proceedings under Section 482 Cr.P.C., if it comes to the conclusion that ends of justice so requires, i.e. there would be almost no chance of conviction. Thus, B.S.Joshi's case provided a creative solution for quashing of proceedings under Section 482 Cr.P.C.

6. Therefore, considering, a) the age of the petitioners, b) nature of offences alleged c) the settlement arrived at and d) the ultimate result of the prosecution, this Court is of the view that quashing of the First Information Reports will meet the ends of justice and accordingly, the same are ordered to be quashed.

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7. In the result, these Criminal Original Petitions are allowed and the entire proceedings in Crime Nos.133 and 24 of 2016



on the file of the 1st respondent police in respect of the petitioners in the respective petitions are hereby quashed.

Sd/-

Assistant Registrar(AE)

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Sub Assistant Registrar

To

1.The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.

2.The Inspector of Police,
Alagappapuram Police Station,
Sivagangai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/s.D.Palanikumar, Advocate SR.No.33890

+1cc to M/s.S.M.Sanjay, Advocate SR.No.33888

Cr1.O.P (MD) Nos.10375 and
10376 of 2016

29.06.2016

gcg

SD/CK/26.09.2016/4P/5C