



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2016

CORAM:

THE HONOURABLE DR. JUSTICE S.VIMALA

Crl.O.P.(MD).No.10527 of 2016

- 1.Marikkani
- 2.Ramachandran
- 3.Ranjithkumar
- 4.Sivayogam
- 5.Annavadivu
- 6.Muthumari

.. Petitioners/A1 to A6

Vs.

1. The Inspector of Police,
Soolakkarai Police Station,
Virudhunagar District.
(Crime No.119 of 2016)

.. 1st respondent/
Complainant

2. Kanagu Eswaran

.. 2nd respondent/
Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the FIR pertaining to the case in Crime No.119 of 2016 on the file of the first respondent Police and quash the same.

For Petitioner : Mr.S.Ramasamy

For 1st respondent : Mr.K.V.Rajarajan,
Government Advocate
(Criminal side)

For 2nd respondent : Mr.K.Muthu

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



2. The case of the prosecution is that due to land dispute, on 05.06.2016 the petitioners / accused abused the defacto complainant's son in filthy language and attacked him by hands and when the defacto complainant questioned the same, they attacked him with deadly weapons. Based on the said complaint, a case in Crime No.119 of 2016 has been registered by the first respondent Police under Sections 147, 148, 294(b), 341, 342, 323, 324 and 506 (i) IPC against the petitioners/A1 to A6.

3. When the matter is taken up for hearing, the petitioners and the second respondent, 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 (Crl.Side) through the respondent police.

4.0. Learned counsel appearing for the parties filed a joint memo of compromise dated 24.06.2016, duly stating that the parties have arrived at an amicable settlement, under which the second respondent has agreed to withdraw the above case in Crime No.119 of 2016 pending on the file of the first respondent.

4.1. The de-facto complainant, who is personally present before this Court, himself stated that he sustained only simple injury; there is no grievous hurt; for the injury, he took treatment only for few days; now the dispute between himself and the petitioners is settled; the compromise memo may be recorded and the case registered in Crime No.119 of 2016 may be quashed. The said statement is recorded.

4.2 From the compromise memo and the above statement made by the defacto complainant, this Court can safely infer that the chances of the defacto complainant deposing against the petitioners is less and therefore, the chance 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 nature of the dispute between the parties, 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 FIR will meet the ends of justice and accordingly, the same is ordered



7. In the result, this Criminal Original Petition is allowed and the entire proceedings in Crime No.119 of 2016 dated 05.06.2016 on the file of the 1st respondent police in respect of the petitioners are hereby quashed.

Sd/-

Assistant Registrar(CS-I)

Sub Assistant Registrar

To

1.The Inspector of Police,
Soolakkarai Police Station,
Virudhunagar District.

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

+1cc to M/s.S.Ramasamy, Advocate SR.No.34541

Cr1.O.P(MD)No.10527 of 2016

01.07.2016

Encl: Compromise Memo enclosed with OP Petition.

gcg

SD/CK/23.09.2016/3P/4C