



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2016

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

CrI.O.P.(MD).No.10593 of 2016

1.S.Mohammed Raisudeen @ Rais
2.S.Abdul Rahman @ Rahman

.. Petitioners

Vs.

State rep.by

1. The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District,
Crime No.453 of 2015

2. G.Bharat

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the entire records in connection with FIR in Crime No.453/2015 on the file of respondent police and quash the same.

For Petitioners	:	Mr.M.Seeni Sulthan
For R - 1	:	Mr.K.V.Rajarajan Government Advocate (Criminal side)
For R - 2	:	No appearance

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.453 of 2015 has been registered under Sections 147, 148, 323, 294(b) and 506(ii) IPC by the 1st respondent against the petitioners.

3. When the matter is taken up for hearing, the ~~petitioners~~ the second respondent, appeared in persons and their identifications were also 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. Learned counsel appearing for the parties filed a joint memo of compromise dated 22.06.2016, duly stating that since the parties have arrived at an amicable settlement, under which the second respondent has agreed to withdraw the above case in Crime No.453 of 2015 pending on the file of the first respondent.

4.1. From the compromise, 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 relationship 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 be in the ends of justice and accordingly, the same is ordered to be quashed.

7. In the result, this Criminal Original Petition is allowed and the entire proceedings in Crime No.453 of 2015 dated 15.10.2015 on the file of the 1st respondent police in respect of the petitioners are hereby quashed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District,

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

+1cc to M/s.M.Seeni Sulthan, Advocate SR.No.34484

Crl.O.P(MD)No.10593 of 2016