



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

Crl.O.P.(MD) No.10602 of 2016

Terrance ... Petitioner/Sole Accused

-vs-

1. The Inspector of Police,
Kovilpatti East Police Station,
Tuticorin District.
(Crime No.781 of 2015) ... 1st Respondent/Complainant
2. N.Jeeva ... 2nd Respondent/
Defacto Complainant

Prayer: Petition filed under Section 482 of Code of Criminal Procedure to call for the records in Crime No.781 of 2015 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.M.Veilkani Raju
For R1 : Mr.K.V.Rajarajan
Govt. Advocate (Crl.Side)
For R2 : Mr.N.S.Ramakrishnadass

O R D E R

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.781 of 2015 has been registered under **Section 379 IPC** by the 1st respondent against the petitioner.

3. When the matter is taken up for hearing, the petitioner and the second respondent, appeared in person 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 the parties have arrived at an amicable settlement, under which the second respondent has agreed to withdraw the above case in Crime No.781 of 2015 pending on the file of the first respondent.

5. As regards Section 379 IPC, in the compromise memo, it is stated that the petitioner owed a sum of Rs.15,000/- to the defacto complainant and on account of failure to repay the amount and annoyed by the act of the defacto complainant, the petitioner has taken away his two wheeler bearing Reg.No.TN-69-AV-9942. The nature of the allegation complained of against the accused will not come under the purview of theft and as there is no intention to commit theft of the vehicle, the provisions of Section 379 IPC will not get attracted.

6. From the compromise, this Court can safely infer that the chances of the defacto complainant deposing against the petitioner is less and therefore, the chances of conviction of the accused is bleak.

7. 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.

8. 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 ***First Information Report*** will be in the ends of justice and accordingly, the same is ordered to be quashed.

9. In the result, this Criminal Original Petition is allowed and the entire proceedings in Crime No.781 of 2015 dated 27.11.2015 on the file of the 1st respondent police in respect of the petitioner are hereby quashed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar



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To:

1. The Inspector of Police,
Kovilpatti East Police Station,
Tuticorin District.

WEB COPY

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

+1CC to Mr.Veilkani Raju, Advocate Sr.nO.34692

GJM/KBM/22.9.16-2p-4c

Cr1.O.P. (MD) No.10602 of 2016
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