



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 04.07.2016
CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

WEB COPY

Crl.O.P.(MD) Nos.10703 and 10704 of 2016

Chandrasekar @ Kannan ... Petitioner/Sole Accused
in Crl.O.P.(MD)10703/2016

1. Ramanathan
2. Nallan
3. Chinnadurai ... Petitioners/A1 to A3
in Crl.O.P.(MD)10704/2016

-vs-

1. State represented by
The Inspector of Police,
Pulivalam Police Station,
Trichy District.
(Crime Nos.77 & 78/2016) ... Common 1st Respondent/Complainant

2. Ramanathan ... 2nd Respondent/Defacto Complainant
in Crl.O.P.(MD)10703/2016
3. Chandrasekar @ Kannan ... 2nd Respondent/Defacto Complainant
in Crl.O.P.(MD)10704/2016

Prayer: Petitions filed under Section 482 of Code of Criminal Procedure to call for records pertaining to the FIR in Crime Nos.77 and 78 of 2016 on the file of the 1st respondent police and quash the same as illegal

For Petitioners : No Representation
(parties appear) (on either side)

For R1 : Mr.P.Kandasamy
Govt. Advocate (Crl.Side)

For R2 : No Representation
(parties appear) (on either side)

C O M M O N 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.77 of 2016 has been registered under Sections 294(b), 427, 324 and 506(ii) IPC by the 1st respondent against the petitioner in Crl.O.P.(MD) 10703 of 2016.

2.1. As a counter blast, the case in Crime No.78 of 2016 has been registered under Sections 294(b), 323 and 506(i) IPC by the 1st respondent against the petitioners in Crl.O.P.(MD) 10704 of 2016.

3. When these matters are taken up for hearing, the petitioners 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. The respective parties filed joint memos of compromise dated 15.06.2016, duly stating that they have arrived at an amicable settlement, under which the respective second respondents have agreed to withdraw the above cases in Crime Nos.77 and 78 of 2016 pending on the file of the first respondent.

4.1. From the compromise, 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 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 Reports will be in the ends of justice and accordingly, the same are ordered to be quashed.

7. In the result, these Criminal Original Petitions are allowed and the entire proceedings in Crime Nos.77 and 78 of 2016 dated 23.05.2016 on the file of the 1st respondent police in respect of the petitioners are hereby quashed.

Sd/-

Assistant Registrar (CS-I)



To:

1. The Inspector of Police,
Pulivalam Police Station,
Trichy District.

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

+1cc to M/s.D.Venkatesh, Advocate SR.No.34814

+1cc to M/s.T.Lenin Kumar, Advocate SR.No.34812

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