



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2016

CORAM

**THE HON'BLE DR.JUSTICE S.VIMALA**Crl.O.P.(MD) No.10926 of 2016

WEB COPY

1. Dhanapaul
2. Arunraj
3. Dineshbabu
4. Viswanathan

... Petitioners/A1 to A4

-vs-

1. State through by  
The Inspector of Police,  
Thottiyam Police Station,  
Trichy District.  
(Crime No.96/2016)

... 1<sup>st</sup> Respondent/Complainant

2. Balasubramanian

... 2<sup>nd</sup> Respondent/Defacto Complainant

Prayer: Petition filed under Section 482 of Code of Criminal Procedure to call for the records relating to the First Information Report in Crime No.96 of 2016 on the file of the 1<sup>st</sup> respondent police and quash the same.

For Petitioners : Mr.M.Subash Babu

For R1 : Mr.P.Kandasamy  
Government Advocate (Crl. side)

For R2 : Mr.Jeyakarthick

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O R D E R

This petition has been filed seeking to quash the case registered in Crime No.96 of 2016 on the file of the 1<sup>st</sup> respondent police, pursuant to the amicable settlement effected between the parties.

2. It is seen that based upon a complaint given by the 2<sup>nd</sup> respondent, a case in Crime No.96 of 2016 for the alleged offences under Sections 147, 148, 294(b), 436, 448, 323 and 506(ii) IPC, has been registered against the petitioners / A1 to A4.

3. When the matter is taken up for hearing, the petitioners/Accused and 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 Government Advocate (Crl. Side) through the respondent Police. Learned counsel appearing for the parties also endorsed the identify of their respective parties.

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

4. The counsel appearing on either side filed a joint memo of compromise dated 27.06.2016, duly stating that since the parties



have arrived at an amicable settlement by way of compromise among themselves, the second respondent has agreed to withdraw the above case in Crime No.96 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 complainant 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 Report will be in the ends of justice and accordingly, the same is ordered to be quashed.

8. In the result, this Criminal Original Petition is allowed and the entire proceedings in Crime No.96 of 2016 on the file of the 1st respondent police in respect of the petitioners / accused are hereby quashed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To:

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

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

+1cc to M/s.M.Subash Babu, Advocate SR.No.37341

Cr1.O.P.(MD)No.10926 of 2016

15.07.2016

**Enclosed Memo : Herein enclose a copy of Joint Compromise Memo**