



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

CrI.O.P. (MD) No.12292 of 2016

1.Panner @ Panner Selvam
2.Paulraj @ Paunraj
3.Sekar (Nondi Samiyadi) @ Chandrasekar
4.Boominathan
5.Nandhan @ Sivanantham ... Petitioners 1to5 /
Accused 1 to 5

-VS-

1.State represented by
the Inspector of Police,
Villoor Police Station,
Madurai District.
(Crime No.47/2016) ... 1st Respondent/Complainant

2.Sivalingam ... 2nd Respondent/Defacto Complainant

Prayer: Petition filed under Section 482 of Code of Criminal Procedure praying to quash the case in Crime No.47 of 2016 on the file of the 1st respondent Police Station by accepting the Joint compromise memo dated 18.07.2016.

For Petitioners	:	Mr.R.Gowrishankar
For R1	:	Mr.A.P.Balasubramani, Govt. Advocate (CrI.Side)
For R2	:	Mr.K.Radhakrishnan

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.47 of 2016 has been registered under Sections 147, 341, 294(b), 323, 355 and 506(i) IPC by the 1st respondent against the petitioners.

<https://hcservices.courts.mh.in/hcservices/>
3. When the matter is 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. Learned counsel appearing for the parties filed a joint memo of compromise, dated 18.07.2016, 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.47 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 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 the nature of offences alleged, the settlement arrived at and the ultimate result of the prosecution, this Court is of the view that quashing of the FIR will be 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.47 of 2016 dated 18.07.2016 on the file of the 1st respondent police in respect of the petitioners are hereby quashed.

Sd/-

Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To:

1.The Inspector of Police, Villoor Police Station,
Madurai District.

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

+1 CC to Mr.R.GOWRISHANKAR, Advocate, SR No.38703

Crl.O.P.(MD)No.12292 of 2016
21.07.2016