



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALACrl.O.P.(MD) No.12393 of 2016

WEB COPY

- 1.Siva Anand
2. Saravanan
3. S.Bavani

... Petitioners/A1 - A3

-vs-

1. State represented by
The Inspector of Police,
Jaihindpuram Police Station,
Madurai District.
(Crime No.525/2016)

... 1st Respondent/Complainant

2. Prabhavathi ... 2nd Respondent/Defacto Complainant

Prayer: Petition filed under Section 482 of Code of Criminal Procedure to record the compromise reached between the petitioners/accused and 2nd respondent / de-facto complainant and call for the records in Crime No.525/2016 on the file of the 1st respondent and quash the same as illegal and violation of law.

For Petitioners	:	Mr.K.Samidurai
For R1	:	Mr.A.P.Balasubramani
		Govt. Advocate (Crl.Side)
For R2	:	No appearance

O R D E R

This petition has been filed seeking to quash the case registered in Crime No.525 of 2016 on the file of the 1st respondent herein.

2. It is seen that a case in Crime No.525 of 2016 for the alleged offences under Sections 294(b), 120(b), 406, 420 and 506 (ii) IPC on the file of the 1st respondent police, has been registered against the petitioners/accused. The allegation against these petitioners is that they received a sum of Rs.5 lakhs from the de-facto complainant for sending her son Thirumalai Balaji to Singapore as a Hotel Supervisor and subsequently, neither sent him nor returned the money.

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 Learned Counsel, Government Advocate (Crl.Side).

<https://hcmcaresupports.gov.in/sermons>

4. Learned counsel appearing for the parties filed a joint



memo of compromise, 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.525 of 2016 pending on the file of the first respondent.

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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.

7. In the result, the Criminal Original Petition is allowed and the entire proceedings in Crime No.525 of 2016 dated 21.04.2016 on the file of the 1st respondent police in respect of the petitioners/accused are hereby quashed.

Sd/

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar.

To:

1. The Inspector of Police, Jaihindpuram Police Station, Madurai District.
2. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+1CC to M/S.K.Samidurai, Advocate, SR.No. 38941

+1CC to M/S.D.Balamuruga Pandi, Advocate, SR.No. 38952

Cr1.O.P. (MD) No.12393 of 2016

22.07.2016

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