



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

CrI.O.P. (MD) No.12445 of 2016

1. R.Sivaperumal
2. P.Vijayaraj
3. P.Murugan
4. M.Sureshkumar
5. P.Vellaichamy

... Petitioners/A1 to A5

-vs-

1. The Inspector of Police,
Kariapatti Police Station,
Virudhunagar District.
(Crime No.380 of 2015)

... 1st Respondent/Complainant

2. B.Muthuraja

... 2nd Respondent/Defacto Complainant

Prayer: Petition filed under Section 482 of Code of Criminal Procedure to call for the records in Crime No.380 of 2015 on the file of the 1st respondent police dated 24.11.2015 and quash the same as illegal.

For Petitioners : Mr.T.Lajapathi Roy

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

For R2 : Mr.M.Arjun Varman

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.380 of 2015 has been registered under **Sections 306 r/w 116 IPC** by the 1st respondent against the petitioners.

3. The allegations in the complaint is that the petitioners, who are Revenue Inspector, Zonal Deputy Tahsildar, Revenue Assistants and Typist respectively, induced the defacto complainant's father / injured to commit suicide, which resulted in registration of the case in Crime No.380 of 2015. Based on the suicidal note alleged to have been written by the father of the defacto complainant, the petitioners/accused have been implicated in this case.

4. 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.

5. Learned counsel appearing for the parties filed a joint memo of compromise dated 13.06.2016, duly stating that the parties have arrived at an amicable settlement, under which the second respondent has agreed to withdraw the case in Crime No.380 of 2015 pending on the file of the first respondent.

6. On enquiry with the defacto complainant, he has stated that his father has recovered and has started working as Village Assistant; that the entire issue between the petitioners and the defacto complainant has been duly sorted out in the presence of elderly persons.

7. 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.

8. 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.

9. 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.



10. In the result, this Criminal Original Petition is allowed and the entire proceeding in Crime No.380 of 2015 dated 24.11.2015 on the file of the 1st respondent police in respect of the petitioners is hereby quashed.

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Sd/

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To:

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

+1 cc to MR.T.LAJAPATHI ROY, Advocate Sr.No.39655

Crl.O.P. (MD) No.12445 of 2016
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SMA/DB/22/09/2016 :3P/4C