

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 22.07.2016****CORAM:****THE HON'BLE DR.JUSTICE S.VIMALA****CrI.O.P. (MD) .No.12538 of 2016**

1.M.Ansar @ Rusi Ansar
2.K.Akbar @ Titanic Akbar ... Petitioners / A1 & A2
Vs.

1.The State rep. by
The Inspector of Police,
Melapalayam Police Station,
Tirunelveli.
(Crime No.440 of 2016) ... 1st respondent/Complainant

2.Thana ... 2nd respondent/Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records pertaining to the FIR in Crime No.440 of 2016 on the file of the 1st respondent and quash the same.

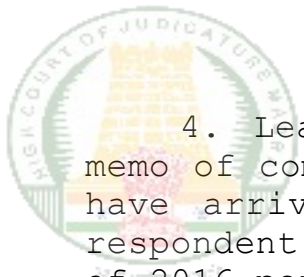
For Petitioners : Mr.S.M.A.Jinnah
For R1 : Mr.A.P.Balasubramani,
Govt. Advocate (CrI.Side)
For R2 : Mr.M.Khoushikhan

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.440 of 2016 has been registered under **Sections 341, 294(b), 352 and 506(2) IPC** by the 1st respondent against the petitioners.

3. When the matter is taken up for hearing, the petitioners 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 Government Advocate (CrI.Side) through the respondent police.



4. Learned counsel appearing for the parties filed a joint memo of compromise dated 14.07.2016, 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.440 of 2016 pending on the file of the first respondent.

WEB COPY

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, this Criminal Original Petition is allowed and the entire proceedings in Crime No.440 of 2016 dated 24.06.2016 on the file of the 1st respondent police in respect of the petitioners are hereby quashed.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

ar

To:

1. The Inspector of Police,
Melapalayam Police Station,
Tirunelveli.

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

GJM/KP/22.8.16-2p-3c