



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

Cr1.O.P. (MD) No.13022 of 2016

1. Nijanthan
2. Vijayakumar

... Petitioners/A1 & A2

-vs-

1. State represented by
The Inspector of Police,
Vilampatti Police Station,
Dindigul District.
(Crime No.57 of 2016)

... 1st Respondent/Complainant

2. S.Ramamoorthy

... 2nd Respondent/Defacto Complainant

Prayer: Petition filed under Section 482 of Code of Criminal Procedure to call for the records in Crime No.57 of 2016 on the file of the 1st respondent police and quash the same.

For Petitioner:	Mr.Sathya Chidambaram
For R1	: Mr.A.P.Balasubramani
	Govt. Advocate (Cr1.Side)
For R2	: Mr.B.Santhanam Rajesh

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.57 of 2016 has been registered under **Sections 294(b), 427 and 506(i) IPC and Section 3(1) of TNPPDL Act** by the 1st respondent against the petitioners.

3. The allegations in the complaint is that there was exchange of words between the petitioners and the defacto complainant in



respect of hoisting of flags and that the accused persons damaged household articles worth about Rs.2,020/-, which resulted in registration of the case in Crime No.57 of 2016.

4. When the matter is taken up for hearing, the petitioners and the second respondent, appeared in person and their identifications were 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 11.07.2016, 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.57 of 2016 pending on the file of the first respondent.

6. From the compromise, this Court can safely infer that the chances of the defacto complainant deposing against the petitioner is less and therefore, the chances of conviction of the accused is bleak.

7. 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.

8. 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.

9. In the result, this Criminal Original Petition is allowed and the entire proceeding in Crime No.57 of 2016 dated 05.06.2016 on the file of the 1st respondent police in respect of the petitioners is hereby quashed.

Sd/-

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar



To:

1. The Inspector of Police,
Vilampatti Police Station,
Dindigul District.

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

+ 2 CC TO Mr.SATHYA CHIDAMBARAM, ADVOCATE IN SR No. 42153/16

AR

TE/CK : 29/09/2016 : 3P/5C

Encl: Xerox copy of Joint Compromise Memo.

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