



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2016

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THE HON'BLE DR.JUSTICE S.VIMALACrl.O.P.(MD) Nos.13728 and 13729 of 2016andCrl.M.P.(MD).Nos.6398 and 6399 of 2016**Crl.O.P.(MD).No.13728 of 2016:**

- 1.Senthil
 - 2.Gopi @ Gopalakrishnan
 - 3.Ramu
- ... Petitioners/A1 to A3

-vs-

- 1.State represented by
the Inspector of Police,
Pazhavor Police Station,
Tirunelveli District.
(Crime No.126/2016)
- ... 1st Respondent/Complainant

- 2.Arul Rega Devi
- ... 2nd Respondent/Defacto Complainant

Prayer: Petition filed under Section 482 of Code of Criminal Procedure to call for records pertaining to the impugned FIR in Crime No.126 of 2016 on the file of the 1st respondent police and quash the same.

For Petitioners : Mr.C.Deepak
For R1 : Mr.P.Kandasamy
Govt. Advocate (Crl.Side)

Crl.O.P.(MD).No.13729 of 2016:

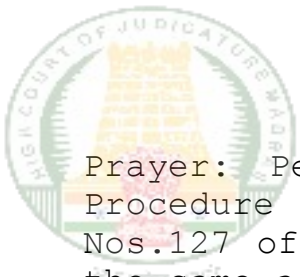
- 1.Mathusoothanan
 - 2.Sivalinga Durai
 - 3.Ariraman
 - 4.Annamalai @ Annajothi
 - 5.Baskar @ Sahaya Thanga Baskar
 - 6.Kanthanan @ Kantha samy
 - 7.Jeyanthi
- ... Petitioners/A1 to A7

-vs-

- 1.State represented by
the Inspector of Police,
Pazhavor Police Station,
Tirunelveli District.
(Crime No.127/2016)
- ... 1st Respondent/Complainant

<https://hcservices.ecourts.gov.in/hcservices/>

- 2.Senthil
- ... 2nd Respondent/Defacto Complainant



Prayer: Petition filed under Section 482 of Code of Criminal Procedure to call for records pertaining to the FIR in Crime Nos.127 of 2016 on the file of the 1st respondent police and quash the same as illegal

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For Petitioners : Mr.M.R.Sreenivasan
For R1 : Mr.P.Kandasamy
Govt. Advocate (Crl.Side)

C O M M O N 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.126 of 2016 has been registered under Sections 294(b), 323, 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 by the 1st respondent against the petitioner in Crl.O.P.(MD)No.13728 of 2016.

2.1. As a counter blast, the case in Crime No.127 of 2016 has been registered under Sections 147, 341, 294(b), 324, 342, 379, 506(ii) IPC by the 1st respondent against the petitioners in Crl.O.P.(MD) 13729 of 2016.

3. When these matters are taken up for hearing, except the 2nd petitioner in Crl.O.P.(MD).13728 of 2016, the other petitions in both the petitions and the second respondent in both the petitions, appeared in person before this Court and on behalf of the 2nd petitioner in Crl.O.P.(MD).No.13728 of 2016, his mother appeared before this Court stating that he is on treatment for left ankle sprain and in support of the same, the treatment certificate issued by one Dr.R.Ramadhas, practicing at Sri Ram Orthopaedic Hospital, Nagercoil, has been produced. The identifications of the parties 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 1st respondent police.

4. The respective parties filed joint memos of compromise dated 03.07.2016, duly stating that they have arrived at an amicable settlement, under which the respective second respondents have agreed to withdraw the above cases in Crime Nos.126 and 127 of 2016 pending on the file of the first respondent. The parties have appeared before this Court that the terms of compromise is correct and they entered into the same on their own volition.



4.1. From the compromise, this Court can safely infer that the chances of the defacto complainants 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 Reports will meet the ends of justice and accordingly, the same are ordered to be quashed.

7. In the result, these Criminal Original Petitions are allowed and the entire proceedings in Crime Nos.126 and 127 of 2016 on the file of the 1st respondent police in respect of the petitioners/accused in the respective petitions are hereby quashed. Consequently, connected miscellaneous petitions are closed.

Sd/
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar.

To:

1. The Inspector of Police,
Pazhavor Police Station,
Tirunelveli District.

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

+2CC to M/S.C.Deepak, Advocate, SR.No. 42426, 42427

+2CC to M/S.M.R.Sreenivasan, Advocate, SR.No. 42428, 42430

Cr1.O.P.(MD)Nos.13728 and 13729 of 2016
04.08.2016

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AM/GSV, PM/SAR-I/24.08.2016/3P/7C (IT)
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