



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.08.2016**

CORAM

THE HON'BLE DR.JUSTICE **S.VIMALA**

Crl.O.P.(MD) No.14498 of 2016

WEB COPY

Terrance

... Petitioner/Sole accused

-vs-

1.The Inspector of Police,

Perumalpuram Police Station (Crime),

Tirunelveli District.

(Crime No.488/2015)

... 1st Respondent/Complainant

2.S.Ganesan

... 2nd Respondent/Defacto Complainant

Prayer: Petition filed under Section 482 of Code of Criminal Procedure to call for the records in Crime No.488 of 2015 on the file of the 1st Respondent and quash the same and pass such further or other orders.

For Petitioner : Mr.D.Ramesh Kumar

For R1 : Mr.A.P. Balasubramani

Govt. Advocate (Crl.Side)

O R D E R

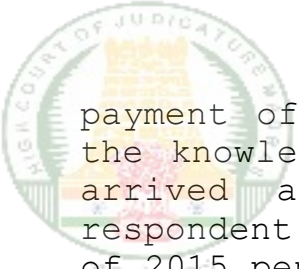
Section 482 Cr.P.C., saves inherent power of the Court. Such inherent power can be exercised either to prevent the abuse of the process of the Court or otherwise to secure the ends of justice. Invoking such inherent power, this petition has been filed to quash the proceedings on the ground that the continuance would amount to abuse of the process of the Court.

2. The second respondent herein lodged a complaint stating that he has been working as driver to a Indica Vista car bearing Registration No.TN-72-AE-3646 owned by one S.Saravanan and that the same was kept by him nearby his house and when he came out of the house, he found that the car is missing. Based on the said complaint, a case in Crime No.488 of 2015 has been registered under Section 379 IPC by the 1st respondent Police.

3. When the matter is taken up for hearing, the petitioner 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.

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

4. Learned counsel appearing for the parties filed a joint memo of compromise, dated 08.08.2016, duly stating that due to non



payment of loan amount, the petitioner took the said car without the knowledge of the 2nd respondent and that now the parties have arrived at an amicable settlement, under which the second respondent has agreed to withdraw the above case in Crime No.488 of 2015 pending on the file of the first respondent.

4.1. From the compromise, this Court can safely infer that the chances of the defacto complainant deposing against the petitioner is less and therefore, the chance 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) nature of offences alleged, b) the settlement arrived at and c) the ultimate result of the prosecution, this Court is of the view that quashing of the FIR will meet 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.488 of 2015 dated 29.11.2015 on the file of the 1st respondent police is hereby quashed.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

gcg

To:

1.The Inspector of Police,
Perumalpuram Police Station (Crime),
Tirunelveli District.

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

+1 cc to Mr.D.Ramesh Kumar ,Advocate, Sr.No: 44202

JAM/PV/14.09.16/ 2p-4c