



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.14579 of 2016

V.Kumaravel

... Petitioner/ Sole accused

-vs-

1.The Inspector of Police,
Musiri Police Station,
Trichy District.
(Crime No.189/2016)

... 1st Respondent/Complainant

2.Jeya

... 2nd Respondent/Defacto Complainant

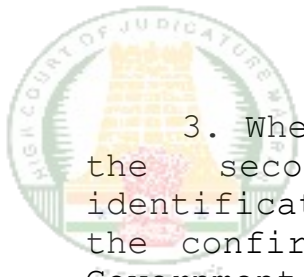
Prayer: Petition filed under Section 482 of Code of Criminal Procedure to call for the records from the respondent Police in Crime No.189 of 2016 and quash the same as against the petitioner herein.

For Petitioner	:	Mr.P.R.Prithiviraj
For R1	:	Mr.A.P.Balasubramani, Govt. Advocate (Crl.Side)
For R2	:	Mr.P.Kottaisamy

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.It is seen that the petitioner and the defacto complainant are husband and wife; the marriage between them had taken place on 25.02.2010; they are blessed with a female child by name Lyamithra on 31.05.2011; there was a misunderstanding between the petitioner and the defacto complainant; the petitioner filed H.M.O.P.No.316 of 2012 before the Family Court, Coimbatore; the defacto complainant/wife lodged a complaint alleging that on 27.03.2016 the petitioner/husband took away the child and did not return the child; and based on that complaint, a case in Crime No.189 of 2016 is pending in the court of the respondent against the petitioner.



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 1st respondent police.

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4.0. Learned counsel appearing for the parties filed a joint memo of compromise dated 03.07.2016, 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.189 of 2016 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) 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 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.189 of 2016 dated 11.04.2016 on the file of the 1st respondent police in respect of the petitioner are hereby quashed.

(Herein enclose a copy of compromise memo)

Sd/

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar.

To:

1.The Inspector of Police, Musiri Police Station, Trichy District.

2.The Additional Public Prosecutor,

Madurai Bench of Madras High Court, Madurai.

Crl.O.P.(MD) No.14579 of 2016

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