



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.08.2016

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THE HON'BLE DR.JUSTICE S.VIMALA

Crl.O.P.(MD) No.14642 of 2016

Vinoth ... Petitioner/ Sole accused

-vs-

1. State represented by
the Sub-Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.
(Crime No.331/2015) ... 1st Respondent/Complainant

2.Kombaiah ... 2nd Respondent/Defacto Complainant

Prayer: Petition filed under Section 482 of Code of Criminal Procedure to call for the records in Crime No.331 of 2015 on the file of the 1st Respondent and quash the same.

For Petitioner	:	Mr.S.R.Durai Raj
For R1	:	Mr.A.P.Balasubramani, Govt. Advocate (Crl.Side)
For R2	:	Mr.S.Vijayakumar

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.331 of 2015 has been registered under Sections 294(b), 323 and 506(ii) IPC by the 1st 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.

<https://hcservices.courts.gov.in/hcservices/> 4. Joint counsel appearing for the parties filed a joint memo of compromise dated 09.08.2016, 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.331 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) 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 be 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.331 of 2015 dated 28.09.2015 on the file of the 1st respondent police in respect of the petitioner are hereby quashed.

Sd/-

Assistant Registrar (P & A)

/True Copy/

Sub Assistant Registrar

To:

1. The Sub-Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/s.M.S.Jeyakarthick, Advocate SR.No.44641

Crl.O.P. (MD) No.14642 of 2016

12.08.2016

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