



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

Crl.O.P.(MD) No.14840 of 2016

WEB COPY

1. Ganapathi
2. Sathiyendiran
3. Yogeswaran
4. Suresh
5. Guna Ajith
6. T.Asokan
7. Vijai
8. Ravi
9. Sivakarthick @ Karthick
10. Sarathkumar
11. Navinkumar
12. Pasupathy
13. Saravanankumar
14. Karthick
15. Mohan
16. Sankar
17. Rajasekar
18. Soundarrajan

...Petitioners/A1 to A18

-vs-

1. State of Tamil Nadu,
Rep. by its Inspector of Police,
Thirupalaikudi Police Station,
Ramanathapuram District.
(Crime No.92 of 2016)

...1st Respondent/Complainant

2. Rajesh ...2nd Respondent/Defacto Complainant

Prayer: Petition filed under Section 482 of Code of Criminal Procedure to call for the records relating to Crime No.92 of 2016 pending investigation on the file of the 1st respondent police and to quash the same.

For Petitioners : Mr.S.Sukumar
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. A case in Crime No.92 of 2016 has been registered under Sections 147, 148, 294(b), 323, 324, 336 and 506(2) IPC by the 1st respondent against the petitioners.

WEB COPY

3. The allegations in the complaint is that while conducting Kabadi Sports Meet in connection with a Temple Festival, there was a group clash between the petitioners and the defacto complainant; it is alleged that the petitioners abused the defacto complainant in filthy language and threatened him in dire consequences, which resulted in registration of the case in Crime No.92 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 29.07.2016, 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.92 of 2016 pending on the file of the first respondent.

6. The defacto complainant has stated that he sustained only simple injury and it was on account of sudden provocation, the present complaint has been preferred against the petitioners.

6.1. From the compromise, this Court can safely infer that the chances of the defacto complainant deposing against the petitioners 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.

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

9. In the result, this Criminal Original Petition is allowed and the entire proceeding in Crime No.92 of 2016 dated 12.06.2016



on the file of the 1st respondent police in respect of the petitioners is hereby quashed.

Sd/-
Assistant Registrar(CO)

/True Copy/

WEB COPY

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

Encl: Joint Compromise Memo

To:

1. The Inspector of Police,
Thirupalaikudi Police Station,
Ramanathapuram District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/s.S.Sukumar, Advocate in SR.47087

Cr1.O.P.(MD)No.14840 of 2016
22.08.2016

ar.

PBK/PV 17/10/2016 ::3P-4C: