



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

Crl.O.P. (MD) Nos.14904 and 15024 of 2016
and
CRL MP (MD) Nos.6992 and 7052 of 2016

1.R.Muthupandi
2.M.Muneeswari

... Petitioners/Accused
in Crl.O.P. (MD) 14904/2016

Rajendran

... Petitioner/Accused
in Crl.O.P. (MD) 15024/2016

-vs-

1. State represented by
The Inspector of Police,
Gudalur South Police Station,
Theni District.
(Crime No.149/2016)

... 1st Respondent in Crl.O.P.No.14904
/Complainant

2. The State rep. by
the Sub Inspector of Police,
Gudalur South police Station,
Theni District.
(Crime No.148/2016)

... 1st respondent/Complainant
in Crl.O.P.No.15024/2016

2. Pitchaimani

... 2nd Respondent/Defacto Complainant
in Crl.O.P. (MD) 14904/2016

3. R.Muthupandi

... 2nd Respondent/Defacto Complainant
in Crl.O.P. (MD) 15024/2016

Prayer: Petitions filed under Section 482 of Code of Criminal Procedure to call for records pertaining to the FIR in Crime Nos.149 and 148 of 2016 on the file of the 1st respondent police and quash the same as illegal.

For Petitioners : M.E.Ilango
in both petitions

For R1 : Mr.K.V.Rajarajan
Govt. Advocate (Crl.Side)

**COMMON ORDER**

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.148 of 2016 has been registered under **Sections 294(b), 324 and 506(ii) IPC** by the 1st respondent against the petitioner in CrI.O.P.(MD) 15024 of 2016.

2.1. As a counter blast, the case in Crime No.149 of 2016 has been registered under **Sections 294(b), 323 and 506(i) IPC** by the 1st respondent against the petitioner in CrI.O.P.(MD) 14904 of 2016.

3. When these matters are taken up for hearing, the petitioners 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 (CrI.Side) through the respondent police.

4. The respective parties have stated that at the instance of the elders, they have arrived at an amicable settlement, under which the respective second respondents have agreed to withdraw the above cases in Crime Nos.148 and 149 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 complainants in each case deposing against the respective 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 be in 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.148 and 149 of 2016 on the



file of the 1st respondent police in respect of the petitioners are hereby quashed. Consequently connected Miscellaneous Petitions are closed.

WEB COPY

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To:

1. The Inspector of Police,
Gudalur South Police Station,
Theni District.
2. The Sub Inspector of Police,
Gudalur South Police Station,
Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 2 CC TO MR.M.E.ILANGO, ADVOCATE IN SR No. 45807, 45808

RR

JAM/SKS-RR : 07/09/2016 : 3P/6C

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