

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 24.08.2016****CORAM:****THE HONOURABLE DR. JUSTICE S.VIMALA****Crl.O.P. (MD) .Nos.15447 and 15503 of 2016****Crl.O.P. (MD) .No.15447 of 2016**

1.Mani @ Palanivel

2.Eswaran

3.Sathish @ Sathishkumar

4.Kannapiran

... Petitioners/A1 to A4

Vs.

State rep. by

1.The Inspector of Police,
Kallikudi Police Station,
Madurai District.

(Crime No.98 of 2013)

... 1st respondent/ Complainant

2.V.Balamurugan

... 2nd respondent /
Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to quash the case in Crime No.98 of 2013, on the file of the first respondent Police Station by accepting the Joint Compromise memo dated 30.07.2016.

For Petitioners : Mr.K.Radha Krishnan
For 1st respondent : Mr.A.P.Balasubramani,
Government Advocate
(Criminal side)

For 2nd respondent : Mr.R.Gowrishankar

Crl.O.P. (MD) .No.15503 of 2016

1.Anbalagan

2.Balamurugan

3.Vellaichamy

.. Petitioners/A1 to A3

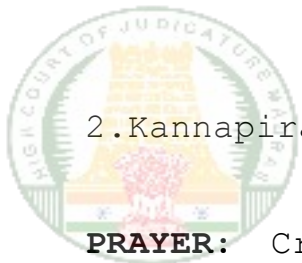
Vs.

State rep. by

1.The Inspector of Police,
Kallikudi Police Station,
Madurai District.

(Crime No.97 of 2013)

.. 1st respondent/ Complainant



2.Kannapiran

.. 2nd respondent /
Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to quash the case in Crime No.97 of 2013 on the file of the first respondent Police Station by accepting the Joint Compromise memo dated 30.07.2016.

For Petitioners : Mr.R.Gowrishankar

For 1st respondent : Mr.A.P.Balasubramani,
Government Advocate (Criminal side)

For 2nd respondent : Mr.K.Radha Krishnan

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.

2.0. A case in Crime No.97 of 2013 has been registered under **Sections 341, 294(b), 323 and 307 I.P.C.** by the 1st respondent against the petitioners in CrI.O.P.(MD).No.15503 of 2016.

2.1. As a counter blast, a case in Crime No.98 of 2013 has been registered under **Sections 341, 294(b), 323, 324 and 307 I.P.C.** by the 1st respondent against the petitioners in CrI.O.P.(MD)No.15447 of 2016.

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

4. The respective parties filed joint memos of compromise, dated 30.07.2016, duly stating that they have arrived at an amicable settlement, under which the respective second respondent has agreed to withdraw the above cases in Crime Nos.97 and 98 of 2016 pending on the file of the first respondent.

4.1. The de-facto complainants in both the cases, who are personally present before this Court, themselves stated that they sustained only simple injury; there is no grievous hurt; for the injury, they took treatment only for few days; now they



compromised the matter; the compromise memos submitted by them may be recorded and the cases registered in Crime Nos.97 and 98 of 2013 may be quashed. The said statement is recorded.

4.2. From the compromise memos and the above statement made by the defacto complainants, this Court can safely infer that the chances of the defacto complainants deposing against the petitioners is remote 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 the dispute 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 meet 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.97 and 98 of 2013 on the file of the 1st respondent police in respect of the petitioners in the respective petitions are hereby quashed.

Sd/-

Assistant Registrar(W)

/True copy/

Sub Assistant Registrar

Encl: Herein entered Joint Compromise Memo

To

1.The Inspector of Police,
Kallikudi Police Station, Madurai District.

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

+1 cc to M/s.R.Gowrishankar, Advocate in SR.No.47076

+1 cc to M/s.K.Radhakrishnan, Advocate in SR.No.47074

gcg

CSL/GSV-PM/03.10.2016 :3P/5C