



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2016

CORAM:

THE HONOURABLE DR. JUSTICE S.VIMALA

Crl.O.P.(MD).No.15491 of 2016

Nivek Pandian

.. Petitioner/Sole accused

Vs.

1.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of
Police, Thirumangalam,
Madurai District.

2.The Sub Inspector of Police,
Koodakovil Police station,
Thirumangalam Taluk,
Madurai District.

.. 1st and 2nd respondents/Complainant

3.R.Vijayakumar

.. 3rd respondent /Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to quash the case in Spl.S.C.No.27 of 2015 on the file of the learned III Additional District and Sessions Court (PCR), Madurai by accepting the Joint Compromise memo dated 18.08.2016.

For Petitioner : Mr.R.Gowrishankar

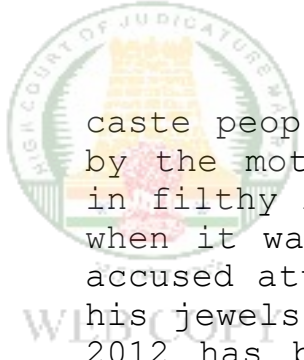
For 1st & 2nd respondents : Mr.A.P.Balasubramani,
Government Advocate (Criminal side)

For 3rd respondent : Mr.K.Radhakrishnan

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. The sum and substance of the complaint is that while the complainant / 3rd respondent along with his relatives moving in the procession for puppetry function, the petitioner/accused intercepted them stating that the scheduled



caste people cannot move in this side, and when it was questioned by the mother of the defacto complainant, the accused abused her in filthy language and by caste name, and also pushed her down and when it was questioned by the defacto complainant and others, the accused attacked them with stick and stones and also snatched away his jewels. Based on the said complaint, a case in Crime No.26 of 2012 has been registered under Sections 341, 323, 324, 379 (NP) IPC r/w Section 3(i)(x) of SC/ST Act by the 2nd respondent against the accused. After completion of the investigation, the Investigating Officer laid a charge sheet and the same was taken on file by the learned III-Additional District and Sessions Judge (PCR), Madurai in Spl.S.C.No.27 of 2015.

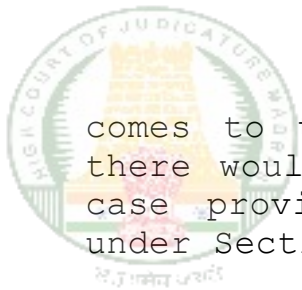
3. When the matter is taken up for hearing, the petitioner and the second respondent, appeared in person and their identifications were also verified by this Court, in addition to the confirmation of the identity of the parties by the learned Government Advocate through the official respondents / police.

4.0. Learned counsel appearing for the parties submitted that originally the case has been registered against the petitioner herein and one Vignesh and that in the FIR stage, the case against the said Vignesh has been quashed by this Court, vide order dated 22.02.2016 in Crl.O.P.(MD).No.3145 of 2016, based on the joint compromise memo filed by them. Now the petitioner and the defacto complainant have entered into a compromise and filed a joint memo of compromise dated 18.08.2016, 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.26 of 2012 and the consequential proceeding in Spl.S.C.No.27 of 2015 pending on the file of the learned III-Additional District and Sessions Judge (PCR), Madurai.

4.1. The de-facto complainant, who is personally present before this Court, himself stated that he sustained only simple injury; there is no grievous hurt; for the injury, he took treatment only for few days; now the dispute between himself and the petitioner is settled; the compromise memo may be recorded and the case registered in Crime No.26 of 2012 and the consequential proceedings in Spl.S.C.No.27 of 2015 may be quashed. The said statement is recorded.

4.2 From the compromise memo and the above statement made by the defacto complainant, 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.

<https://hcservices.courts.gov.in/hcservices/> 5. This 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 age of the accused, 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 entire proceedings arising out of the case in Crime No.26 of 2012 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.26 of 2012 and the consequential proceedings in Spl.S.C.No.27 of 2015 on the file of the learned III-Additional District and Sessions Judge (PCR), Madurai, is hereby quashed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1.The III-Additional District and Sessions Judge (PCR),
Madurai.

2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of
Police, Thirumangalam,
Madurai District.

3.The Sub Inspector of Police,
Koodakovil Police station,
Thirumangalam Taluk,
Madurai District.

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

+1cc to M/s.R.Gowrishankar, Advocate SR.No.47075

Cr1.O.P(MD)No.15491 of 2016

24.08.2016

Encl: Copy of Joint Compromise Memo

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

gcg

SD/SS3/28.09.2016/3P/6C