



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2016

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CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

Cr1.O.P.(MD)No.15636 of 2016

1.Ganesan  
2.Alagumani  
3.Ajith  
4.Karthic

.. Petitioners/Accused 1 to 4

Vs.

1.The State Rep by  
The Inspector of Police,  
Puthanatham Police Station,  
Trichy District,  
Crime No.264 of 2015.

.. Respondent/Complainant

2.Elumalai

.. Respondent/De-facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to quash Cr.No.264 of 2015 dated 27.10.2015 on the file of the Inspector of police, Puthanatham police station, Trichy District.

|                                |                                                                    |
|--------------------------------|--------------------------------------------------------------------|
| For Petitioners                | : Mr.K.Kevinkaran                                                  |
| For 1 <sup>st</sup> Respondent | : Mr.A.P.Balasubramani,<br>Government Advocate.<br>(Criminal Side) |
| For 2 <sup>nd</sup> Respondent | : Mr.K.Neethi Mohan                                                |

#### 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.264 of 2015 has been registered under Sections 294(b), 323, 354 and 506(i) IPC and 4 of the Tamil Nadu Prohibition of Women Harassment Act by the 1<sup>st</sup> respondent against the petitioners.



3. When the matter is 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.

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4. Learned counsel appearing for the parties filed a joint memo of compromise dated 22.08.2016, 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.264 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 petitioners 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 in 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.264 of 2015 pending on the file of the first respondent in respect of the petitioners are hereby quashed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

1.The Inspector of Police,  
Puthanatham Police Station,  
Trichy District,



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

+1cc to M/s.K.Neethi Mohan, Advocate SR.No.49224

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Cr1.O.P.(MD)No.15636 of 2016

**Encl: Copy of Compromise Memo**

mj

SD/SK-SKN/28.09.2016/3P/4C