



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

WEB COPY

Crl.O.P.(MD) Nos.16421 and 16514 of 2016

1. Tamilmani
2. Devendran @ Moorthy
3. Saranraj @ Saran

... Petitioners/A1 to A3 in
Crl.O.P.(MD)16421/2016

Abineshkumar

... Petitioner/Sole Accused in
Crl.O.P.(MD)16514/2016

-vs-

1. State Rep. by,
The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.
(Crime No.278 of 2016)

... 1st Respondent/Complainant in
Crl.O.P.(MD)16421/2016

2. State Rep. by,
The Inspector of Police,
Keeramangalam Police Station,
Pudukkottai District.
(Crime No.106 of 2016)

... 1st Respondent/Complainant in
Crl.O.P.(MD)16514/2016

3. Abineshkumar

... 2nd Respondent/Defacto Complainant
in Crl.O.P.(MD)16421/2016

4. Poonthi

... 2nd Respondent/Defacto Complainant
in Crl.O.P.(MD)16514/2016

Common Prayer: Petitions filed under Section 482 of Code of Criminal Procedure to call for the records relating to the FIRs in Crime Nos.278 and 106 of 2016 pending on the file of the respective 1st respondent and to quash the same as illegal.

For Petitioners : Mr.M.Suresh
(in Crl.O.P.(MD)16421/2016)
Mr.E.Balasubramanian
(in Crl.O.P.(MD)16514/2016)

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

For R2 : Mr.E.Balasubramanian
(in Crl.O.P.(MD)16421/2016)
Mr.M.Suresh
(in Crl.O.P.(MD)16514/2016)



C O M M O N 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.278 of 2016 has been registered under **Sections 294(b), 323 and 506(i) IPC** by the 1st respondent against the petitioners in Crl.O.P.(MD)16421 of 2016. As a counter blast, on the basis of the complaint given by the wife of the 1st petitioner in Crl.O.P.(MD)16421 of 2016, the respondent police registered a case in Crime No.106 of 2016 for offences under Sections 352 and 506(i) IPC and Section 4 of TNPHW Act, 2002.

3. The allegation in the complaint in respect of Crime No.278 of 2016 is that the petitioners abused the defacto complainant in filthy language and attacked him with wooden log; in respect of Crime No.106 of 2016, it is alleged that since the love proposal of the petitioner/accused was rejected by the daughter of the defacto complainant, the petitioner abused her in filthy language, threatened her and also attacked her with hands

4. When these matters are taken up for hearing, the respective petitioners and the defacto complainant 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 joint memos of compromise dated 31.08.2016 and 30.08.2016, duly stating that the parties have arrived at an amicable settlement, under which the respective second respondents have agreed to withdraw the above cases in Crime Nos.278 and 106 of 2016 pending on the file of the respective first respondent police.

6. On enquiry with the respective defacto complainants in both cases, they have stated that the matter has been amicably settled between them and they have no inclination to further pursue with the cases

6.1. From the compromise, this Court can safely infer that the chances of the defacto complainants 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 Reports** will be in the ends of justice and accordingly, the same are ordered to be quashed.

9. In the result, these Criminal Original Petitions are allowed and the entire proceeding in Crime Nos.278 of 2016 dated 14.07.2016 and 106 of 2016 dated 13.07.2016 pending on the file of the respective 1st respondent police in respect of the petitioners is hereby quashed.

Sd/
Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

To:

1. The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.
2. The Inspector of Police,
Keeramangalam Police Station,
Pudukkottai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.M.Suresh, Advocate in SR.No.49529

+2ccs to M/S.E.Balasubramanian, Advocate in SR.Nos.49652 & 49653

CrI.O.P.(MD) Nos.16421 and 16514 of 2016

02.09.2016

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