



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2016

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THE HON'BLE DR.JUSTICE S.VIMALACrl.O.P.(MD) No.16551 of 2016

1. Parath @ Parath Padmanaban
2. Mariappan @ Suravali
3. Vinoth
4. Karthi
5. Kattavandi @ Ramar

... Petitioners/A1 to A5

-vs-

1. The State,
Rep. by The Inspector of Police,
Saptur Police Station,
Madurai District.
(Crime No.146 of 2016)

... 1st Respondent/Complainant

2. Kasi Viswanathan ... 2nd Respondent/Defacto Complainant
Prayer: Petition filed under Section 482 of Code of Criminal Procedure to call for the records pertaining to the case in Crime No.146 of 2016 on the file of the 1st respondent police and quash the same.

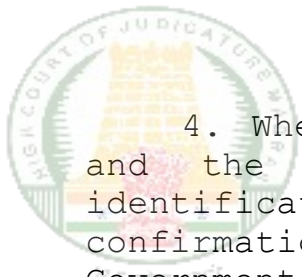
For Petitioners : Mr.B.Jameel Arasu
For R1 : Mr.K.V.Rajarajan
Govt. Advocate (Crl.Side)
For R2 : Mr.A.Joel Paul Antony

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.146 of 2016 has been registered under Sections 147, 148, 341 and 324 IPC by the 1st respondent against the petitioners.

3. The allegations in the complaint is that when the defacto complainant went to a medical shop, due to previous enmity, the petitioners therein intercepted him and assaulted him, which resulted in registration of the case in Crime No.146 of 2016.



4. When the matter is taken up for hearing, the petitioners and the second respondent, 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.

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5. Learned counsel appearing for the parties filed a joint memo of compromise, 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.146 of 2016 pending on the file of the first respondent.

6. So far as this case is concerned, the de-facto complainant, who is personally present in this Court, himself stated that he has sustained only simple injury and there is no grievous hurt and for the injury, he has taken treatment only for few days. Thus, it is clear that no case under Section 324 IPC is made out and the case made out is only under Section 323 IPC at the most.

6.1. From the compromise, this Court can safely infer that the chances of the defacto complainant deposing against the petitioner 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 Report will be in the ends of justice and accordingly, the same is ordered to be quashed.

9. In the result, this Criminal Original Petition is allowed and the entire proceeding in Crime No.146 of 2016 dated 20.08.2016 on the file of the 1st respondent police in respect of the petitioner is hereby quashed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar



To:

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

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

+1cc to M/s.B.Jameel Arasu, Advocate SR.No.49720

Cr1.O.P.(MD)No.16551 of 2016

Encl: Copy of Compromise Memo

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SD/SS3/05.10.2016/3P/4C