



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALACrl.O.P.(MD) Nos.9143 and 9144 of 2016

1. Dharmar
2. Jakkammal
3. Vijayalakshmi
4. Mariammal

... Petitioners/A1 to A4 in
Crl.O.P.(MD) 9143/2016

Dharmar

...Petitioner/Sole Accused
in Crl.O.P.(MD) 6881/2016

-vs-

1. State represented by
The Inspector of Police,
Kallikudi Police Station,
Madurai District.
(Crime Nos.113 & 85/2016)

... Common 1st Respondent
/Complainant in both petitions

2. R.Ponnazhagu

... Common 2nd Respondent/ Defacto
Complainant in both petitions

Prayer in Crl.O.P.(MD) 9143/2016: Petition filed under Section 482 of Code of Criminal Procedure to call for the records of pending FIR before the respondent police in Crime No.113 of 2016 dated 08.05.2016 for the offence under Sections 109 and 354 IPC and Section 3 of TNPPDL Act and to quash the same.

Prayer in Crl.O.P.(MD) 9144/2016: Petition filed under Section 482 of Code of Criminal Procedure to call for the records of pending FIR before the respondent police in Crime No.85/2016 dated 29.03.2016 for the offence under Sections 294(b) and 506(ii) IPC and 3(i) of TNPPDL Act and to quash the same.

For Petitioners : Mr.S.Pakalavan
(in Crl.O.P.(MD) 9143&9144/2016)
For R1 : Mr.P.Kandasamy
Govt. Advocate (Crl.Side)
For R2 : Mr.J.Vijayaraja
(in Crl.O.P.(MD) 9143&9144/2016)



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.113 of 2016 has been registered under Sections 109 and 354 IPC and Section 3 of TNPPDL Act by the 1st respondent against the petitioners in CrI.O.P.(MD)9143/2016. The very same defacto complainant lodged another complaint, which resulted in registration of the case in Crime No.85 of 2016 under Sections 294(b) and 506(ii) IPC and Section 3(i) of TNPPDL Act against the petitioner in CrI.O.P.(MD)9144/2016

3. When these matters are 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.

4. Learned counsel appearing for the parties filed a joint memo of compromise dated 09.06.2016, duly stating that the parties have arrived at an amicable settlement, under which the second respondent has agreed to withdraw the above cases in Crime Nos.113 & 85 of 2016 pending on the file of the first respondent respectively.

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 proceedings, 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, these Criminal Original Petitions are allowed and the entire proceedings in Crime Nos.113 of 2016 08.05.2016 and 85 of 2016 dated 29.03.2016 on the file of the 1st respondent police in respect of the petitioners are hereby quashed.

Sd/
Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar.

To:

1. The Inspector of Police,
Kallikudi Police Station,
Madurai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to M/S.S.Vijayaraja, Advocate, SR.No. 32110

Cr1.O.P.(MD) Nos.9143 and 9144 of 2016

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