



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2016

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

Crl.O.P. (MD).No.10552 of 2016

WEB COPY

1.Krishnamoorthy
2.Periya Karuppayee

... Petitioners/A1 & A2

Vs.

The Inspector of Police,
Elumalai Police Station,
Elumalai.

(Crime No.164 of 2014)

.. Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records in Crime No.164 of 2014, pending on the file of the respondent Police and quash the criminal proceeding.

For Petitioner

: Mr.S.Chellapandian

For R1

: Mr.K.V.Rajarajan,
Govt. Advocate (Crl. Side)

For Defacto Complainant

: Mr.R.Karunanidhi

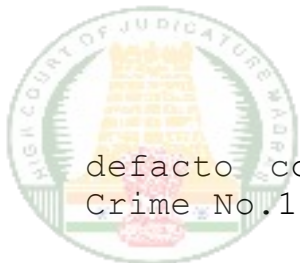
O R D E R

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.164 of 2014 has been registered under **Sections 294(b), 324, 325 and 506(i) IPC** by the respondent against the petitioners.

3. When the matter is taken up for hearing, the petitioners and the defacto complainant, 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 (Crl.Side) through the respondent police.

4. Learned counsel appearing for the parties filed a joint <https://hcservices.ecourts.gov.in/hcservices/> memo of compromise dated 27.06.2016, duly stating that the parties have arrived at an amicable settlement, under which the



defacto complainant has agreed to withdraw the above case in Crime No.164 of 2014 pending on the file of the 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.164 of 2014 dated 10.10.2014 on the file of the respondent police in respect of the petitioners are hereby quashed.

Sd/
Assistant Registrar(CS-II)

/TRUE COPY/

Sub Assistant Registrar

To:

1.The Inspector of Police,
Elumalai Police Station,Elumalai.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,Madurai.
+1cc to M/S.S.Chellapandian, Advocate in SR.No.33633

Cr1.O.P(MD)No.10552 of 2016
28.06.2016

gcg/ar
PA/SS-2/24.08.2016/2P/4C

Encl:copy of compromise memo