

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2018

CORAM

THE HONOURABLE JUSTICE MRS.R.HEMALATHA

CRL.O.P.No.28773 of 2013

1.Sathish Kumar  
2.Venkateswaran  
3.M.Mariselvam  
4.T.Praphakaran  
5.T.Balachandran  
6.E.R.Suresh  
7.Rajaguru

...petitioners

Vs

State Rep.by  
1.The Inspector of Police,  
Kannakurichi Police Station,  
Salem.  
2.Sathish Kumar  
3.Vigneswararaj

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., to quash the final report filed in C.C.No.31 of 2010 on the file of the Judicial Magistrate - IV, Salem.

For Petitioners : Mr.S.Shanmuga Velayutham  
Senior Advocate for M/s.M.Balaji  
For Respondent 1 : Mr.T.Shunmugarajeswaran

O R D E R

सत्यमेव जयते

The petitioners are the accused in C.C.No.31 of 2010 on the file of the Judicial Magistrate - IV, Salem. The first respondent registered the FIR in Crime No.1539 of 2009, Kannakurichi Police Station, Salem, against the petitioners for the alleged offences under sections 147, 148, 341, 326, 323, 324 and 506 (ii) of IPC based on the complaint preferred by the defacto complainants/respondents 2 and 3.

2.Today, when the matter is taken up for hearing, the learned Counsel appearing for both the petitioners as well as the respondents 2 and 3 filed a compromise Memo contending that they have settled the issue out of Court and therefore, the final report in C.C.No.31 of 2010 on the file of the Judicial

Magistrate - IV, Salem can be quashed. They also relied on the decision in GIAN SINGH V. STATE OF PUJAB AND ANOTHER reported in (2012) 10 SUPREME COURT CASES 303, wherein it has been held that,

"the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding"

3. In the instant case, all the parties are present before this Court. It is also brought to the notice of this Court that all of them are practicing lawyers. Since, they have settled the issue amicably and compromise memo has been filed, this Court is of the considered opinion that the quashing of the FIR in Crime No.1539 of 2009 if Kannakurichi Police Station, Salem in C.C.No.31 of 2010 would meet the ends of justice.

4. Further more, the offences alleged are not very serious in nature and due to the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the Criminal case would put the accused to great prejudice and injustice. In the facts and circumstances of the present case, the final report in C.C.No.31 of 2010 is quashed. In the result the petition is allowed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

stm/ay

To

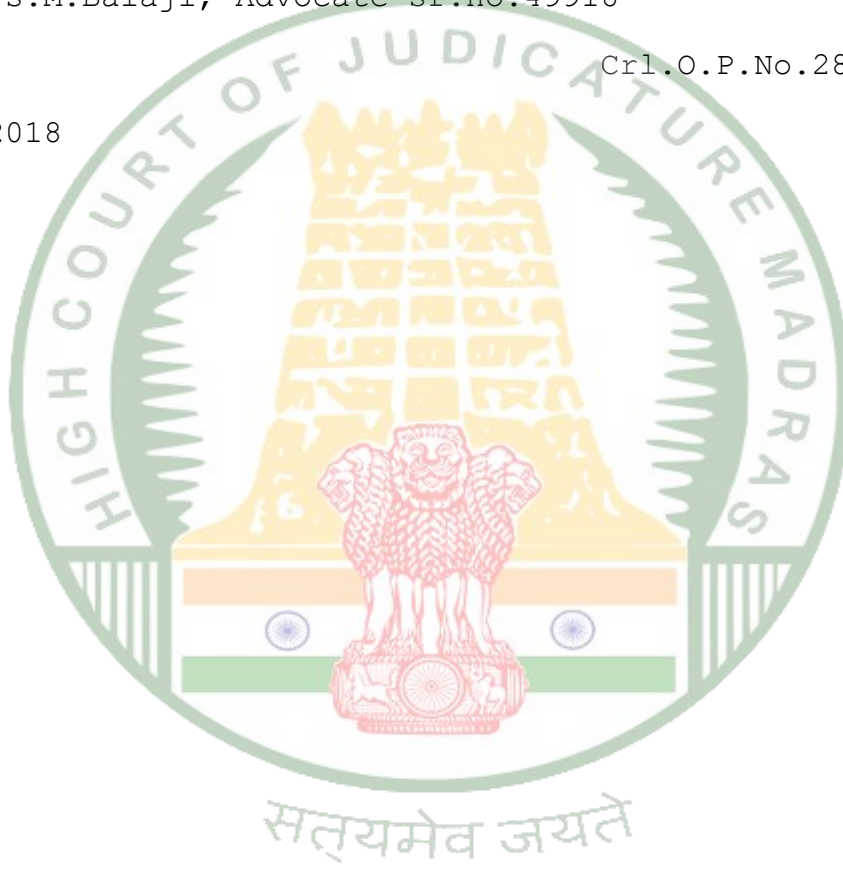
1.The Inspector of Police,  
Kannakurichi Police Station,  
Salem.

2.The Judicial Magistrate - IV,  
Salem.

+lcc to M/s.M.Balaji, Advocate sr.no.49918

Crl.O.P.No.28773 of 2013

nr 09/08/2018



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