



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

Cr1.O.P.(MD) No.10517 of 2016

WEB COPY

1. Chandra Sekaran
2. Subbu Rayalu

... Petitioners/Accused

-vs-

1. State Rep. by
The Inspector of Police (Crime),
C-4, Thilagar Thidal Police Station,
Madurai.

... 1st Respondent/Complainant

2. Kabir Dass

... 2nd Respondent/Defacto Complainant

Prayer: Petition filed under Section 482 of Code of Criminal Procedure to call for the records pertaining to C.C.No.214 of 2008 pending for trial on the file of the learned Judicial Magistrate Court No.II, Madurai and quash the same.

For Petitioners	:	Mr.R.Meenakshi Sundaram
For R1	:	Mr.A.P.Balasubramani
		Govt. Advocate (Cr1.Side)
For R2	:	Mr.P.Pandia Rajan

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.1956 of 2007 has been registered under Sections 468, 471, 452, 294(b) and 506(1) IPC by the 1st respondent against the petitioners. After completion of the investigation, the Investigating Officer has filed a charge sheet before the learned Judicial Magistrate No.II, Madurai, which was taken cognizance by the Magistrate in C.C.No.214 of 2008.

3. When the matter is 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 (Cr1.Side) through the respondent police.



4. Learned counsel appearing for the parties filed a joint memo of compromise dated 22.06.2016, duly stating that the parties have arrived at an amicable settlement, under which the second respondent has agreed to withdraw the case in C.C.No.214 of 2008 pending on the file of the learned Judicial Magistrate No.II, Madurai.

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 **Calendar Case (C.C.)** 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 C.C.No.214 of 2008 pending on the file of the learned Judicial Magistrate No.II, Madurai in respect of the petitioners are hereby quashed.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

Encl: Herein enclose a copy of Compromise memo.

To:

1. The Judicial Magistrate Court No.II, Madurai.
 2. The Inspector of Police (Crime),
C-4, Thilagar Thidal Police Station, Madurai.
 3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +2 cc's to M/s.R.Meenakshi Sundaram, Advocate in SR.No.35546
ar
CSL/PV/24.08.2016: 2p/6c

CrI.O.P. (MD) No.10517 of 2016

11.07.2016