



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2016

CORAM:

THE HONOURABLE DR. JUSTICE S.VIMALA

Crl.O.P. (MD) .No.10709 of 2016

R.Ramkumar

.. Petitioner/Sole accused

Vs.

1. The State rep. by the
Inspector of Police,
Theppakulam Police Station,
Madurai.
(Crime No.1164 of 2011)

.. 1st respondent/
Complainant

2.R.Sathiskumar

.. 2nd respondent /
Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records pending in C.C.No.6 of 2016 on the file of the learned Judicial Magistrate No.I, Madurai and quash the same as illegal and devoid of merits.

For Petitioner : Mr.M.Jegadeesh Pandian

For 1st respondent : Mr.P.Kandasamy
Government Advocate (Criminal side)

For 2nd respondent : Mr.M.Karunanithi

ORDER

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.1164 of 2011 has been registered under Sections 406 and 420 IPC by the 1st respondent against the petitioner. After completion of the investigation, the Investigating Officer has filed a charge sheet and the same was taken on file by the learned Judicial Magistrate No.I, Madurai in C.C.No.6 of 2016.

3. When the matter is taken up for hearing, the petitioner and the second respondent, appeared in person and their identifications were also verified by this Court, in addition to the verification of the identity of the parties by the learned Government Advocate (Crl.Side) through the first respondent police.



4. Learned counsel appearing for the parties filed a joint memo of compromise dated 28.06.2016, 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.1164 of 2011 pending on the file of the first respondent and the consequential proceeding in C.C.No.6 of 2016 pending on the file of the learned Judicial Magistrate No.I, Madurai.

4.1. From the compromise, this Court can safely infer that the chances of the defacto complainant deposing against the petitioner is less and therefore, the 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 meet 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.1164 of 2011 and the consequential proceedings in C.C.No.6 of 2016 on the file of the learned Judicial Magistrate No.I, Madurai is hereby quashed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate No.I,
Madurai.

2.The Inspector of Police,
Theppakulam Police Station,
Madurai.



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

+1cc to M/s.M.Jegadeesh Pandian, Advocate SR.No.35239

Cr1.O.P(MD)No.10709 of 2016
06.07.2016

Enclosed Memo : Herein enclose a copy of compromise memo.

gcg

SD/GSV-PM/08.09.2016/3P/5C