



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2016

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

Crl.O.P. (MD) No.11108 of 2016

1.N.S.Mani
2.Karthick

.. Petitioners

Vs.

1.The State Rep by
The Inspector of Police,
Samayanallur Police Station,
Madurai District.

2.Sirai Selvan

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records connected with the case in C.C. No.100 of 2013 on the file of the Judicial Magistrate, No.IV Madurai and quash the same.

For Petitioners	: Mr.R.Alagumani
For 1 st Respondent	: Mr.A.P.Balasubramani, Government Advocate(Criminal Side)
For 2 nd Respondent	: Mr.L.M.Vijai Boominathan

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.214 of 2014 has been registered under Sections 294(b) and 506(ii) 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.IV, Madurai and the same has been taken on file in C.C.No.100 of 2013.

3. When the matter is taken up for hearing, the petitioners and the second respondent, appeared in person and their identifications were also confirmed 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 memo of compromise dated 30.06.2016, duly stating that the parties have arrived at an amicable settlement, under which the second respondent has agreed to withdraw the above case in C.C.No.100 of 2013 pending on the file of the Judicial Magistrate, No.IV, 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 **(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.100 of 2013 on the file of the Judicial Magistrate, No.IV, Madurai in respect of the petitioners are hereby quashed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

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To

1.The Judicial Magistrate, No.IV Madurai.

2.The Inspector of Police,
Samayanallur Police Station,
Madurai District.

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

+1CC to Mr.R.Alagumani, Advocate Sr.No.49815

GJM/SS3/24.10.16-2p-5c

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