



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2016

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THE HON'BLE DR.JUSTICE S.VIMALACrl.O.P.(MD) No.12003 of 2016

X.Jeyanth

... Petitioner/Sole Accused

-vs-

1. The Inspector of Police,
Thenbagam Police Station,
Tuticorin District.
(Crime No.863 of 2012)

... 1st Respondent/Complainant

2. M.Joeboy ... 2nd Respondent/Defacto Complainant
Prayer: Petition filed under Section 482 of Code of Criminal
Procedure to call for the records relating to the proceedings in
Crime No.863 of 2012 on the file of the 1st respondent police
station and quash the same, as it has no prima facie case as
against the petitioner.

For Petitioner : Mr.Ananth C.Rajesh

For R1 : Mr.A.P.Balasubramani
Govt. Advocate (Crl.Side)

For R2 : Mr.G.Sundaram

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. On the complaint of father-in-law alleging that his
daughter was subjected to cruelty and torture, a case in Crime
No.863 of 2012 has been registered under Sections 294(b), 307 and
506(ii) IPC on the file of the 1st respondent against the
petitioner/accused.

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 confirmation of the identity of the parties by the learned
Government Advocate (Crl.Side) through the respondent police.

<https://hcservices.courts.tamilnadu.gov.in/hcservices/> counsel appearing for the parties filed a joint
memo of compromise dated 15.07.2016, 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.863 of 2012 pending on the file of the first respondent.

5. The offence under Section 307 IPC is serious in nature. At the initial stage, sometimes cases under Section 307 IPC are being registered, on the mere allegation of the defacto complainant that the accused used threatening words saying that he would do away with the life of the defacto complainant. In some cases, though the case under Section 307 IPC is registered, neither the intention nor the act complained of could establish the offence under Section 307 IPC. The motive for the occurrence, the nature of weapon used, the nature of injury sustained, period of treatment and the conduct of the accused are all critical factors to be considered in deciding whether the offence under Section 307 is made out or not.

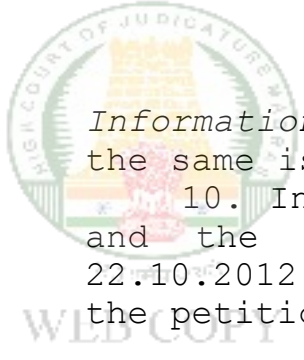
6. So far as this case is concerned, the de-facto complainant, who is none other than the uncle of the petitioner and is personally present in this Court, and stated that the injury sustained by his daughter is simple in nature and for the injury, she has taken treatment only for five days; that though knife is stated to have been used by the accused, it is pointed out that there is no grievous hurt on the body. Thus, it is clear that there could be no intention on the part of the accused to kill the defacto complainant's daughter; that mere allegations, that there was an attempt to do away with the life of the defacto complainant's daughter, do not constitute the offence under Section 307 IPC and therefore, the case under Section 307 IPC might have been registered only to threaten the accused.

6.1. The defacto complainant has further deposed that pursuant to the compromise, the petitioner herein and his daughter are living together as husband and wife.

7. In view of the above circumstances, this Court can safely infer that the chances of the defacto complainant deposing against the petitioner is less and therefore, the chances of conviction of the accused is also bleak.

8. 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.

9. 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 *First*



Information Report will be in the ends of justice and accordingly, the same is ordered to be quashed.

10. In the result, this Criminal Original Petition is allowed and the entire proceedings in Crime No.863 of 2012 dated 22.10.2012 on the file of the 1st respondent police in respect of the petitioner are hereby quashed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub-Assistant Registrar

To:

1. The Inspector of Police,
Thenbagam Police Station,
Tuticorin District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+One cc to Mr.Ananth C.Rajesh, Advocate, SR.No.37811

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RL/4C/2P/AAL/MPA/SARAE/1/9/2016

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