



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.07.2016

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

Cr1.O.P. (MD) .No.13044 of 2016

1.P.Sheela
2.Paulraj
3.Stella
4.Sheeba
5.Dr.Davit @ Chandrakumar .. Petitioners/Accused

-vs-

1.The Inspector of Police,
Mayiladumbarai Police Station,
Mayiladumbarai,
Andipatty Tk,
Theni District,
Crime No.6 of 2015. ..Respondent/Complainant

2.Arumugam (expired)
rep.by Jesintha Syamala
W/o.late Arumugam .. Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to accept the compromise Memo and quash the proceedings in STC.No.631 of 2015 on the file of the learned District Munsif - cum - Judicial Magistrate, Andipatty, Theni District.

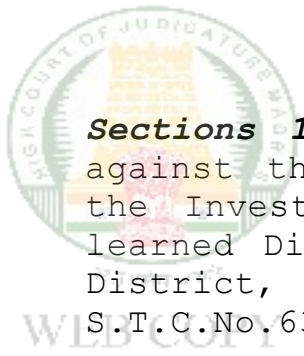
For Petitioners : Mr.L.Rajiah
For R1 : Mr.K.V.Rajarajan
Govt. Advocate (Cr1. Side)
For R2 : Mr.P.Prabhakaran

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.

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2. A case in Crime No.6 of 2015 has been registered under



Sections 147, 294(b), 323 and 506(i) IPC by the 1st respondent against the petitioners. After completion of the investigation, the Investigating Officer has filed a charge sheet before the learned District Munsif-cum-Judicial Magistrate, Andipatty, Theni District, which was taken cognizance by the Magistrate in S.T.C.No.631 of 2015.

3. When the matter is taken up for hearing, the petitioners and the second respondent, appeared in persons 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.

4. Learned counsel appearing for the parties filed a joint memo of compromise dated 22.07.2016, duly stating that the parties have arrived at an amicable settlement, under which the second respondent has agreed to withdraw the case in S.T.C.No.631 of 2015 pending on the file of the learned District Munsif - cum - Judicial Magistrate, Andipatty, Theni District.

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 proceedings 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 S.T.C.No.631 of 2015 pending on the file of the learned District Munsif - cum - Judicial Magistrate, Andipatty, Theni District in respect of the petitioners are hereby quashed.

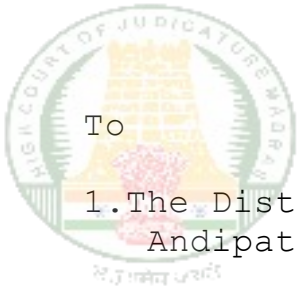
Sd/-

Assistant Registrar (Records)

/True copy/

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Sub Assistant Registrar



To

1.The District Munsif - cum - Judicial Magistrate,
Andipatty, Theni District.

2.The Inspector of Police,
Mayiladumbarai Police Station,
Mayiladumbarai,
Andipatty Tk,
Theni District,

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

+1 CC to M/s.L.RAJIAH, Advocate, SR No.40823

Crl.O.P(MD)No.13044 of 2016
28.07.2016

mj/ar

SH/AAL-MPA/SAR-III:26.08.2016:2P/5C