



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.07.2016

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

Crl.O.P.(MD).Nos.13155 of 2016

Ramar

.. Petitioner/Sole Accused

Vs.

State through

1.The Inspector of Police,
Avaniapuram Police Station,
Crime No.1316 of 2015,
Madurai District.

.. Respondent/Complainant

2.M.Thiyagarajan

.. Respondent/Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records relating the charge Sheet in S.T.C.No. 10/2016 on the file of the Judicial Magistrate No.VI, Madurai and quash the same.

For Petitioner : Mr.M.Subash Babu

For R - 1 : Mr.K.V.Rajarajan
Government Advocate
(Criminal side)

For R2 : Mr.V.B.Sundaresan,

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.1316 of 2015 has been registered under Section 294(b) IPC by the 1st respondent against the petitioner. After completion of investigation, charge sheet has been filed and the same has been taken on file in S.T.C.No.10 of 2016 by the Judicial Magistrate No.VI, Madurai.

<https://hcservices.ecourts.gov.in/hcservices/>

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.

4. Learned counsel appearing for the parties filed a joint memo of compromise dated 25.07.2016, 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.10 of 2016 pending on the file of the Judicial Magistrate No.VI, 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 (S.T.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 S.T.C.No.10 of 2016 pending on the file of the Judicial Magistrate No.VI, Madurai in respect of the petitioner are hereby quashed.

Sd/-

Assistant Registrar(AS)

Encl:Xerox copy of Compromise memo.

/True copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate No.VI, Madurai

2.The Inspector of Police,

<https://hcservices.ecourts.gov.in/hcservices/>
Police Station,
Madurai District.



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

+1cc to Mr.M.Subash Babu, Advocate SR.No.40911
+1cc to Mr.V.B.Sundareswar, Advocate SR.No.41114

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Cr1.O.P(MD)No.13155 of 2016
(1/2)
28.07.2016