



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.07.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

Crl.O.P.(MD) No.13156 of 2016

Ramar ... Petitioner/sole accused

-vs-

State through

1.The Inspector of Police,
Avaniapuram Police Station,
Madurai District.
Crime No.564/2016)

... 1st Respondent/Complainant

2.Tamilarasi

... 2nd Respondent/Defacto Complainant

Prayer: Petition filed under Section 482 of Code of Criminal Procedure to call for the records relating to the FIR in Crime No.564/2016 on the file of the 1st Respondent and quash the same.

For Petitioner : Mr.M.Subash Babu
For R1 : Mr.K.V.Rajarajan
Govt. Advocate (Crl.Side)
Mr.V.B.Sukndareswar for R2

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.A case in Crime No.564 of 2016 has been registered under Sections 294(b), 323 IPC and 4 of Tamil Nadu Prohibition of Harassment of Women Act by the 1st respondent against the petitioner.

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 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 Crime No.564 of 2016 on the file of the first respondent.

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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 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 Crime No.564 of 2016 pending on the file of the first respondent in respect of the petitioner are hereby quashed.

Sd/-

Assistant Registrar(AS)

Encl:Xerox copy of Joint Compromise memo.

/True copy/

Sub Assistant Registrar

To:

1.The Inspector of Police,
Avaniapuram Police Station,
Madurai District.

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

+1cc to Mr.V.B.Sundareswar, Advocate SR.No.41113

+1cc to Mr.M.Subash Babu, Advocate Sr.No.40910

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