



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2016

CORAM

THE HONOURABLE DR.JUSTICE S.VIMALA

Crl.O.P. (MD) .No.13388 of 2016

WEB COPY

Prabakaran

... Petitioner/Accused

-Vs-

1. State rep. by
The Inspector of Police,
Keelavalavu Police Station
Madurai District

... Respondent/Complainant

2.Meena

... Respondent/De-facto
Complainant

Petition filed under Section 482 of the Code of Criminal Procedure to call for records and quash the charge sheet in C.C.No. 167/2015 on the file of the Judicial Magistrate Melur Madurai District and quash the same as against the petitioners.

For Petitioner : M/s.K.Baskaran

For Respondent No.1: Mr.A.P.Balasubramani

Government Advocate (Crl.Side)

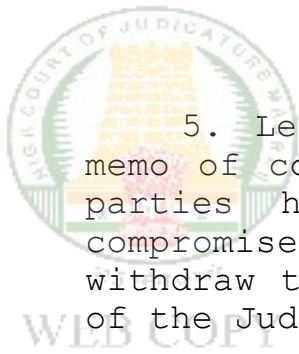
ORDER

This petition has been filed seeking to quash the charge sheet in C.C.No.167/2015 on the file of the Judicial Magistrate, Melur.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the first respondent.

3. The case of the prosecution is that the petitioner is a neighbour of the 2nd respondent/de-facto complainant. The petitioner contacted the de-facto complainant over phone and unfortunately, that call came to be attended by the husband of the de-facto complainant and suspecting the conduct of the de-facto complainant, the de-facto complainant was put to trouble. Therefore, on the complaint of the de-facto complainant, a case has been registered against the petitioner herein under Sections 354 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and on completing investigation, charge sheet has been filed in C.C.No.167 of 2015 before the Judicial Magistrate, Melur, Madurai District.

4. When the matter is taken up for hearing, the petitioner/Accused and the second respondent, appeared in persons and their identifications were also verified by this Court, in confirmation of the identity of the parties by the learned Government Advocate (Crl.Side) through the respondent police.



5. Learned counsel appearing for the parties filed a joint memo of compromise dated 26.07.2016, duly stating that since the parties have arrived at an amicable settlement by way of compromise among themselves, the second respondent has agreed to withdraw the above case in C.C.No.167 of 2015 pending on the file of the Judicial Magistrate, Melur.

5.1. From the compromise, this Court can safely infer that the chances of the defacto complainant deposing against the petitioner is less and therefore, the chances of conviction of the accused is bleak.

6. 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.

7. 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 charge sheet will be in the ends of justice and accordingly, the same is ordered to be quashed.

8. In the result, this Criminal Original Petition is allowed and the entire proceedings in C.C. No.167 of 2015 on the file of the Judicial Magistrate, Melur in respect of the petitioner / accused are hereby quashed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate, Melur.

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

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

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