



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

Crl.O.P.(MD) No.13543 of 2016

WEB COPY

1. Moorthy
2. Kalidoss
3. Rajiv Gandhi

... Petitioner/A1 to A3

-vs-

1. The State of Tamil Nadu
Rep. by the Inspector of Police,
Silaiman Police Station,
Madurai District.
(Crime No.204 of 2012)

... 1st Respondent/Complainant

2. V.Muniyandi

... 2nd Respondent/Defacto Complainant

Prayer: Petition filed under Section 482 of Code of Criminal Procedure to call for the records in charge sheet in C.C.No.579 of 2014 on the file of the Additional Mahila Court, Madurai and quash the same as against the petitioners.

For Petitioners : Mr.R.Manimaran
For R1 : Mr.K.V.Rajarajan
Govt. Advocate (Crl.Side)
For R2 : Mr.M.Selvakumar

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.204 of 2012 has been registered under Sections 341, 324 and 506(ii) IPC r/w Section 4 of TNPHW Act by the 1st respondent against the petitioners. After completion of the investigation, the Investigating Officer has filed a charge sheet before the learned Additional Mahila Court, Madurai, which was taken cognizance by the Court in C.C.No.579 of 2014.

3. The defacto complainant / 2nd respondent lodged a complaint on 01.08.2012 stating that the petitioners herein attacked him by pelting stones on him and also teased his daughter. On the basis of the complaint, the aforesaid FIR came to be registered against the petitioners.

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

5. Learned counsel appearing for the parties filed a joint memo of compromise, duly stating that the parties have arrived at an amicable settlement, under which the second respondent has agreed to withdraw the case in C.C.No.579 of 2014 pending on the file of the learned Additional Mahila Court, Madurai.

6. So far as this case is concerned, the de-facto complainant, who is personally present in this Court, himself stated that he has sustained only simple injury and there is no grievous hurt and for the injury, he has taken treatment only for two days. Thus, it is clear that no case under Section 324 IPC is made out and the case made out is only under Section 323 IPC at the most.

6.1. In addition to the above, the daughter of the defacto complainant also filed an affidavit duly stating the dispute between the petitioners and her family were amicably resolved, pursuant to which, she has no objection in quashing the proceedings.

6.2. 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.

7. 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.

8. 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 Calendar Case (C.C.) will be in the ends of justice and accordingly, the same is ordered to be quashed.

9. In the result, this Criminal Original Petition is allowed and the entire proceeding in C.C.No.579 of 2014 pending on the file of the learned Additional Mahila Court, Madurai in respect of the petitioners is hereby quashed.

Sd/-

Assistant Registrar(T&P)

/True Copy/



To:

1. The Additional Mahila Court,
Madurai.
2. The Inspector of Police,
Silaiman Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court
Madurai.

+1cc to M/s.M.Selvakumar, Advocate SR.No.43444

Cr1.O.P.(MD) No.13543 of 2016

09.08.2016

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SD/SS3/28.09.2016/3P/5C