



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.08.2016

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THE HON'BLE DR.JUSTICE S.VIMALACrl.O.P.(MD) No.13803 of 2016

Annamalai ... Petitioner/Sole Accused

-vs-

1. The Inspector of Police,
Devakottai Town Police Station,
Sivagangai District.
(Crime No.90 of 2016)

... 1st Respondent/Complainant2. Muthu ... 2nd Respondent/Defacto Complainant

Prayer: Petition filed under Section 482 of Code of Criminal Procedure to call for the records in connection with the Crime No.90 of 2016 on the file of the 1st respondent and quash the same.

For Petitioner	:	Mr.S.M.Sanjay
For R1	:	Mr.A.P.Balasubramani Govt. Advocate (Crl.Side)
For R2	:	Mr.D.Palanikumar

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.90 of 2016 has been registered under Sections 294(b), 324 and 506(ii) IPC and Section 4 of Tamil Nadu Women Harassment Act by the 1st respondent against the petitioner.

3. The allegations in the complaint is that when children were playing cricket, it appears that the ball hit the defacto complainant's daughter-in-law, who was pregnant at that time. When questioned, the petitioner along with other accused abused the defacto complainant in filthy language and caused injury to her, which resulted in registration of the case in Crime No.90 of 2016.

<https://hcservices.courts.gov.in/hcservices/> 4. In the present matter is taken up for hearing, the petitioner and the second respondent, appeared in person and their identifications were 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 dated 28.07.2016, duly stating that the parties have arrived at an amicable settlement, under which the second respondent has agreed to withdraw the above case in Crime No.90 of 2016 pending on the file of the first respondent.

6. On enquiry with the defacto complainant, she has stated that there is no intention on her part to prosecute the accused persons and the matter has been amicably settled between them.

6.1. 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.

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 First Information Report 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 Crime No.90 of 2016 dated 03.04.2016 on the file of the 1st respondent police in respect of the petitioner is hereby quashed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To:

1. The Inspector of Police,
Devakottai Town Police Station,
Sivagangai District.



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

+1cc to M/s.S.N.Sanjay, Advocate SR.No.44631

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