



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2016

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THE HON'BLE DR.JUSTICE S.VIMALA

Crl.O.P.(MD) No.13945 of 2016

V.Alavudeen @ Sulthan Alavudeen ... Petitioner/A3

-vs-

1.State represented by
The Inspector of Police,
Silaiman Police Station,
Madurai District.
(Crime No.248/2007) ... 1st Respondent/Complainant

2.State through the Deputy Superintendant
of Police,
Oomachikulam,
Madurai District. ... Respondent/Investigating Officer

3.G.Backiyaraj ... Respondent/Defacto Complainant

Prayer: Petition filed under Section 482 of Code of Criminal Procedure to call for the records and to quash the charge sheet in Spl.S.C.No.62 of 2015 pending on the file of the III-Additional District and Sessions Judge (PCR) Madurai against this petitioner.

For Petitioner : Mr.V.A.Dhana Aravindha Balaji for
M/s.Dhana Law Associates
For RR - 1 & 2 : Mr.P.Kandasamy
Govt. Advocate (Crl.Side)

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.248 of 2007 has been registered under Sections 147, 341, 323 IPC r/w Section 3(1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the respondent against the petitioner/A3 and others. After completion of investigation, the Investigating Officer has filed a charge sheet before the learned III Additional District



and Sessions Judge, PCR Madurai, which was taken cognizance by the Sessions Judge in Spl.S.C.No.62 of 2015.

3. When the matter is taken up for hearing, the petitioner and the third 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 02.08.2016, duly stating that the parties have arrived at an amicable settlement, under which the third respondent has agreed to withdraw the above case in Spl.S.C.No.62 of 2015 pending on the file of the III Additional District and Sessions Judge PCR Madurai. It is also stated in the compromise memo that this Court has quashed the charge sheet as against all other accused persons viz., A1, A2, A4 to A7 by the order dated 25.08.2015 in Crl.O.P(MD)No.16184 of 2015.

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 Sessions Case 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 Spl.Sessions Case No.62 of 2015 pending on the file of the III Additional District and Sessions Judge, PCR Madurai in respect of the petitioner/A3 are hereby quashed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar



To:

1.The III Additional District and Sessions Judge,
PCR Madurai.

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

3.The Deputy Superintendant of Police,
Oomachikulam,
Madurai District

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

+2ccs to Mr.V.A.Dhana Aravindha Balaji, Advocate, SR.No.42322

mj

RL/7C/3P/SKS/RR//21/9/2016

Cr1.O.P (MD) No.13945 of 2016
05/08/2016