



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.08.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

Crl.O.P.(MD) No.14343 of 2016

J.Chrisphine

... Petitioner/Sole Accused

-vs-

1. State represented by
The Inspector of Police,
BHEL Police Station,
Trichy District.
(Crime No.95 of 2015)

... 1st Respondent/Complainant

2. M.Jeyakumar

... 2nd Respondent/Defacto Complainant

Prayer: Petition filed under Section 482 of Code of Criminal Procedure to call for the records in connection with C.C.No.34 of 2016 on the file of the learned Judicial Magistrate No.VI, Trichy and quash the same.

For Petitioner	:	Mr.A.K.Manickam
For R1	:	Mr.A.P.Balasubramani Govt. Advocate (Crl.Side)
For R2	:	Mr.T.Balakrishnan

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.95 of 2015 has been registered under Sections 341, 294(b) and 506(i) IPC by the 1st respondent against the petitioner. After completion of investigation, the respondent police filed a charge sheet before the learned Judicial Magistrate No.VI, Trichy, which was taken cognizance by the said Magistrate in C.C.No.34 of 2016.

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

3. The allegation against the petitioner / accused is that when the defacto complainant was on the way to his office, the



petitioner, who is the brother of son-in-law of the defacto complainant, waylaid him and abused him in filthy language with regard to the matrimonial issue of his brother, which resulted in registration of the case.

4. 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 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 03.08.2016, 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.34 of 2016 pending on the file of the learned Judicial Magistrate No.VI, Trichy.

6. 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 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 proceedings in in C.C.No.34 of 2016 pending on the file of the learned Judicial Magistrate No.VI, Trichy in respect of the petitioner is hereby quashed.

Sd/
Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar.



To:

1. The Judicial Magistrate No.VI,
Trichy.

2. The Inspector of Police,
BHEL Police Station,
Trichy District.

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

+1CC to M/S. A.K.Manickam, Advocate, SR.No. 44042

Crl.O.P.(MD)No.14343 of 2016
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