



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

CrI.O.P. (MD) No.14906 of 2016

Banu ... Petitioner/Sole accused

-vs-

1.The Inspector of Police,
South Police Station,
Thoothukudi,
Thoothukudi District.
(Crime No.1011/2015) ... 1st Respondent/Complainant

2.Santhakumari ... 2nd Respondent/Defacto Complainant

Prayer: Petition filed under Section 482 of Code of Criminal Procedure to call for the records in C.C.No.35 of 2016 on the file of the learned Judicial Magistrate No.I, Thoothukudi and quash the same.

For Petitioner	:	Mr.Ponkarthikeyan
For R1	:	Mr.K.V.Rajarajan, Govt. Advocate (CrI.Side)
For R2	:	Mr.P.T.Ramesh Raja

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. The case of the prosecution is that when the second respondent herein / defacto complainant, who is a Headmistress of a school, condemned the lethargic attitude of the petitioner/accused, who has been working as "Aaya" in the school, the petitioner/accused abused her in filthy language, attacked her by hands and also gave a life threat to her. Based on the said complaint, a case in Crime No.1011 of 2015 had been registered under Sections 294(b), 323, 353 and 506(ii) IPC by the 1st



respondent Police against the petitioner/accused. After completion of the investigation, a charge sheet had been filed by the investigating officer and the same was taken on file in C.C.No.35 of 2016 by the learned Judicial Magistrate No.I, Thoothukudi.

3. 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 (CrI.Side) through the first respondent police.

4. Learned counsel appearing for the parties filed a joint memo of compromise dated 10.08.2016, duly stating that the parties have arrived at an amicable settlement, under which the second respondent has agreed to withdraw the case now pending in C.C.No.35 of 2016 on the file of the learned Judicial Magistrate No.I, Thoothukudi.

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, d) the interest of the students community and e) the ultimate result of the prosecution, this Court is of the view that quashing of the FIR will meet 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 Crime No.1011 of 2015 and the consequential proceedings in C.C.No.35 of 2016 on the file of the learned Judicial Magistrate No.I, Thoothukudi against the petitioner / sole accused is hereby quashed.

Sd/-

Assistant Registrar(Records)

/TRUE COPY/



To:

1.The Judicial Magistrate No.I, Thoothukudi.

2.The Inspector of Police,
South Police Station,
Thoothukudi,
Thoothukudi District.

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

+1cc to M/S.R.PONKARTHIKEYAN,ADVOCATE, SR NO:44933

gcg

JA-SKS-RR-15.09.2016/3P:5C

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