

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 24.08.2016****CORAM:****THE HONOURABLE DR. JUSTICE S.VIMALA****Cr1.O.P. (MD) .No.15404 of 2016**

1.M.Muthukumar
2.Amirthavalli
3.Manickam

.. Petitioners/ Accused

Vs.

1.The State rep. by the
Inspector of Police,
Melur Police Station,
Madurai District.
(Crime No.505 of 2014)

.. 1st respondent/ Complainant

2.P.Sathya

.. 2nd respondent/ Defacto
Complainant

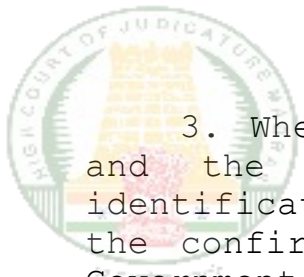
PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records relating to C.C.No.18 of 2016 on the file of the learned Judicial Magistrate, Melur in Crime No.505 of 2014 on the file of the first respondent and quash the same.

For Petitioner : Mr.S.MP.Amalan

For 1st respondent : Mr.A.P.Balasubramani,
Government Advocate (Criminal side)For 2nd respondent : Mr.S.Mahalingam**ORDER**

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.505 of 2014 has been registered under Sections 294(b), 323, 324, 355, 506(ii) IPC and 4 of Tamil Nadu Prohibition of Harassment of Women Act by the 1st respondent against the petitioners. After completion of the investigation, the Investigating Officer has filed a charge sheet and the same was taken on file by the learned Judicial Magistrate, Melur in C.C.No.18 of 2016.



3. When the matter is taken up for hearing, the petitioners 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 01.08.2016, 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.505 of 2014 pending on the file of the first respondent and the consequential proceeding in C.C.No.18 of 2016 pending on the file of the learned Judicial Magistrate, Melur.

4.1. The de-facto complainant, who is personally present in this Court, herself stated that she had sustained only simple injury and there is no grievous hurt and for the injury, she had taken treatment only for few days and that now they entered into compromise.

4.2. From the compromise, this Court can safely infer that the chances of the defacto complainant deposing against the petitioners 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 entire proceedings arising out of the case in Crime No.505 of 2014 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.505 of 2014 and the consequential proceedings in C.C.No.18 of 2016 on the file of the learned Judicial Magistrate, Melur are hereby quashed.

Sd/-
Assistant Registrar (CS-I)

/True copy/



To

1.The Judicial Magistrate,
Melur.

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

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

JOINT COMPROMISE MEMO ENCLOSED

+1cc to M/s.M.S.Jeyakarthick, Advocate SR.No. 47169

gcg

JA-DB-20.09.2016/3P:5C

Cr1.O.P (MD) No.15404 of 2016