



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2016

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CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

Crl.O.P. (MD) Nos.16081 & 16082 of 2016

- 1.Manthaiyan
- 2.Rukmani
- 3.Padmanathan
- 4.Rani
- 5.Malaiyarasi
- 6.Usha

... Petitioners/Accused 1 to 6
in Crl.O.P. (MD) 16081/2016

- 1.D.Thavaselvam
- 2.T.Deivanathan
- 3.D.Vijayalakshmi
- 4.Maniselvan
- 5.P.Nagendran
- 6.N.Kaleeswari

... Petitioners/A1 to A6
in Crl.O.P. (MD) 16082/2016

-vs-

- 1.State represented by
The Inspector of Police,
Anna Nagar Police Station,
Anna Nagar,
Madurai District,
Crime Nos.506 & 507/2011.

- 2.State rep.by
The Inspector of Police,
Karuppayurani Police Station,
Karuppayurani
Madurai District.
Crime Nos.506 & 507/2011.

... Common Respondents 1 & 2/Complainants

- 3.Thavaselvam ... 3rd Respondent/Defacto Complainant
in Crl.O.P. (MD) 16801/2016
- 3.Rukmani ... 3rd Respondent/Defacto Complainant
in Crl.O.P. (MD) 16802/2016

Prayer: Petitions filed under Section 482 of Code of Criminal Procedure for records pertaining to C.C.Nos.12 and 13 of 2016 pending on the file of the Judicial Magistrate, No.VI, Madurai and quash the same as illegal.



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For Petitioner : Mr.V.Baskaran
in CrI.O.P(MD)No.16081/2016
Mr.S.Prabhu
in CrI.O.P(MD)No.16082/2016
For R1 & R2 : Mr.A.P.Balasubramani
Govt. Advocate (CrI.Side)
(both CrI.O.Ps.)
For R3 : Mr.S.Prabhu
in CrI.O.P(MD)No.16081 of 2016
For R3 : Mr.V.Baskaran
in CrI.O.P(MD)No.16082 of 2016

C O M M O N 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.506 of 2011 has been registered under Sections 147, 148, 294(b), 323, 324 and 506(ii) IPC by the second respondent against the petitioners in CrI.O.P.(MD) 16081 of 2016. After completion of investigation, the Investigating Officer/second respondent has filed a charge sheet before the learned Judicial Magistrate No.II, Madurai and it was taken on file in C.C.No.295 of 2012. Subsequently, investigation has been transferred to the file of the first respondent and because of bifurcation of jurisdiction, C.C.No.295 of 2012 was transferred to the file of Judicial Magistrate No.VI, Madurai and numbered as C.C.No.12 of 2016.

2.1. As a counter blast, the case in Crime No.507 of 2011 has been registered under Sections 147, 148, 294(b), 323, 324 and 506 (ii) IPC by the second respondent against the petitioners in CrI.O.P.(MD) 16082 of 2016. After completion of investigation, the Investigating Officer/second respondent has filed a charge sheet before the learned Judicial Magistrate No.II, Madurai and it was taken on file in C.C.No.547 of 2012. Subsequently, investigation has been transferred to the file of the first respondent and because of bifurcation of jurisdiction, C.C.No.547 of 2012 was transferred to the file of Judicial Magistrate No.VI, Madurai and numbered as C.C.No.13 of 2016.

3. When these matters are taken up for hearing, the petitioners and the third respondent in both cases, 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. The respective parties filed joint memos of compromise dated 26.08.2016, duly stating that they have arrived at an amicable settlement, under which the respective third respondents have agreed to withdraw the above cases in C.C.Nos.12 and 13 of 2016 pending on the file of the Judicial Magistrate No.VI, Madurai. The third respondent/defacto complainants, who appeared before the Court submitted that they have sustained only simply injury.

4.1. From the compromise, this Court can safely infer that the chances of the defacto complainants deposing against the petitioners is less and therefore, the chances 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 (C.Cs.) will be in the ends of justice and accordingly, the same are ordered to be quashed.

7. In the result, these Criminal Original Petitions are allowed and the entire proceedings in C.C.Nos.12 and 13 of 2016 pending on the file of the Judicial Magistrate No.VI, Madurai in respect of the petitioners are hereby quashed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate, No.VI Madurai.

2.The Inspector of Police,
Anna Nagar Police Station,
Madurai.

3.The Inspector of Police,
Kannur Police Station,
Madurai District.



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

+3cc to M/s.V.Baskaran, Advocate SR.No.49305

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