



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2016

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

CrI.O.P. (MD).No.5754 of 2013

M.Sikkandar

.. Petitioner

Vs.

1.R.Sekar

2.C.Guruvammal

3.The Deputy Superintendent of Police,
Paramakudi Sub Division,
Ramanathapuram District.

4.The Inspector of Police,
Keelathuval Police Station,
Ramanathapuram District
Crime No.127 of 2002.

.. Respondents/Complainants

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records relating to the case in S.C.No.206 of 2009 on the file of the District and Sessions Judge, Ramanathapuram and quash the same.

For Petitioner
For RR - 3 & 4

: Mr.P.Gunasekaran
: Mr.K.V.Rajarajan
Government Advocate
(Criminal side)

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.127 of 2002 has been registered under Section 3(1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act by the fourth respondent against the petitioner.



3. According to the allegation made in the complaint, on 03.06.2002, there was a wordy quarrel between the petitioner and one Sekar (PW2), during which, the petitioner/accused is stated to have used caste name and when the defacto complainant intervened, he was also abused by the petitioner/accused.

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4. The learned counsel appearing for the petitioner would submit that the case is pending from the year 2002 and the long delay itself is abuse of process of law. It is also submitted that the defacto complainant by name Chithiran died on 19.07.2012.

5. The factum of death of the defacto complainant has been confirmed by the learned Government Advocate (Crl.Side).

6. When the matter is taken up for hearing, the petitioner and the respondents 1 and 2 (so-called injured and wife of the defacto complainant respectively), 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.

7. Learned counsel appearing for the parties filed a joint memo of compromise dated 27.07.2016, duly stating that the parties have arrived at an amicable settlement, under which the respondents 1 and 2 have agreed to withdraw the case in S.T.C.No.206 of 2009 pending on the file of the District and Sessions Court, Ramanathapuram.

7.1. From the compromise, this Court can safely infer that the chances of the respondents 1 and 2 deposing against the petitioner is less and therefore, the chance of conviction of the accused is bleak.

8. 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.

9. 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 Sessions Case (S.C.) will be in the ends of justice and accordingly, the same is ordered to be quashed.

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

10. In the result, this Criminal Original Petition is allowed and the entire proceedings in S.C.No.206 of 2009 pending



on the file of the District and Sessions Court, Ramanathapuram in respect of the petitioner are hereby quashed. Consequently Connected MP(MD)Nos.2 & 3 of 2013 are closed.

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/True Copy/

Sd/-

Assistant Registrar(W)

Sub Assistant Registrar

To

1.The District and Sessions Court, Ramanathapuram

2.The Deputy Superintendent of Police,
Paramakudi Sub Division,
Ramanathapuram District.

3.The Inspector of Police,
Keelathuval Police Station,
Ramanathapuram District

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

+1cc to M/s.P.Gunasekaran, Advocate SR.No.44632

Cr1.O.P(MD)No.5754 of 2013

mj

SD/GK/15.09.2016/3P/6C