

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.32470 of 2014

and

M.P.No.1 of 2014

1.B.Santhosh  
2.R.Balasoupramanien  
3.Guita

... Petitioners/A1 to 3

Vs

1. The State of Tamil Nadu,  
rep. by its Inspector of Police,  
W.8 All Women Police Station,  
Thirumangalam, Chennai-101.

2. P.Pavithra

... Respondents/Complainant  
- Defacto Complainant

Criminal Original Petition filed under Section 482  
Cr.P.C. to call for the records relating to the proceedings in  
Crime No.30 of 2014 on the file of the first respondent herein  
and to quash the same.

For Petitioners : Mr.K.Chandramohan

For respondents : Mr.C.Emalias,  
Additional Public Prosecutor,  
for R.1  
Mr.N.Velmurugan,  
for R.2

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## ORDER

The present criminal original petition has been filed to call for the records relating to the proceedings in Crime No.30 of 2014 on the file of the first respondent herein and to quash the same.

2. The second respondent / de facto complainant lodged a complaint as against her husband, father in law and mother in law, who are the petitioners herein, on the allegation of demand of dowry. Based on the said complaint, a case was registered in Crime No.30 of 2014 for the alleged offence punishable under Sections 498 A, 406, 420 and 506(i) I.P.C. Now, after completion of investigation, charge sheet was filed in the said case and the same was taken on file as C.C.No.3536 of 2015 by the learned Chief Metropolitan Magistrate, Egmore, Chennai. To quash the said proceedings, the present criminal original petition has been filed.

3. Today, when the matter was taken up for consideration, learned counsel appearing for the petitioners and the learned counsel appearing for the second respondent / de facto complainant represented that the dispute between the parties was amicably settled. The parties were also present before this Court. The first petitioner and the second respondent have also filed affidavits stating that they have amicably settled the matter. The second respondent / de facto complainant has also stated in the affidavit filed by her that she has no objection to quash the proceedings in C.C.No.3536 of 2015 (Crime No.30 of 2014) pending on the learned Chief Metropolitan Magistrate, Egmore, Chennai.

4. Heard both sides and perused the records available on record including the affidavits filed by the first petitioner and the second respondent / de facto complainant.

5. Since the dispute between the parties has amicably been settled, I am of the opinion that the proceedings in C.C.No.3536 of 2015 (Crime No.30 of 2014) pending on the learned Chief Metropolitan Magistrate, Egmore, Chennai, could be quashed in respect of the petitioners / accused, by applying the ratio laid down in the judgement reported in (2012) 10 SCC 303 (Gian Singh Vs. State of Punjab and another), wherein it has been held as follows:-

"But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding."

In view of the above referred to judgment, the criminal proceedings arising out of matrimony relating to dowry or family disputes can be quashed, if the parties arrived at an amicable settlement.

6. Considering the facts and circumstances of the case and considering the affidavits filed by the first petitioner and the second respondent / de facto complainant, I am of the opinion that the criminal proceedings in C.C.No.3536 of 2015 (Crime No.30 of 2014) pending on the learned Chief Metropolitan Magistrate, Egmore, Chennai, are liable to be quashed and

accordingly, quashed in respect of the petitioners / accused and the criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

sbi

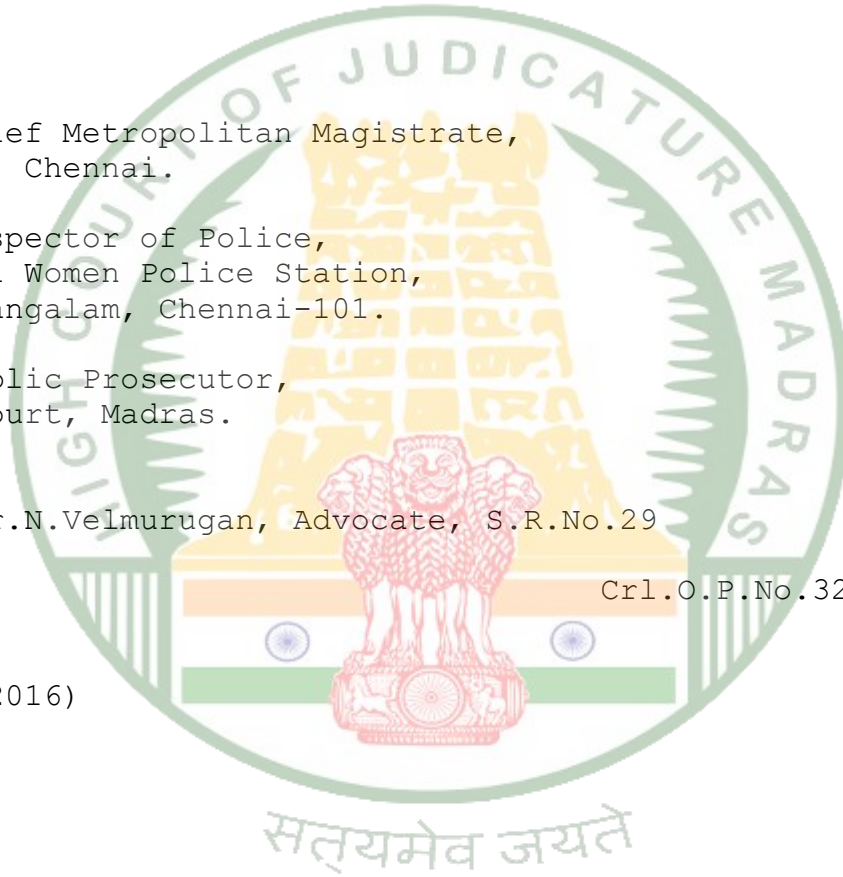
To

1. The Chief Metropolitan Magistrate,  
Egmore, Chennai.
2. The Inspector of Police,  
W.8 All Women Police Station,  
Thirumangalam, Chennai-101.
3. The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.N.Velmurugan, Advocate, S.R.No.29

CrI.O.P.No.32470 of 2014

PUR(CO)  
CA(18/01/2016)



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