

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.30515 of 2015

R.Sathyarajan

... Petitioner

Vs

1.The Assistant Commissioner of
Police,
Thenampettai Division,
Chennai.

2.A.Shiba Danu ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the proceedings of S.C.No.441 of 2014 pending on the file of the learned Principal Judge, City Civil and Sessions Court, Chennai and to quash the same.

For Petitioner : Mr.J.Hariharan

For respondents: Mr.C.Emalias,
Addl.Public Prosecutor,
for R.1
Mr.M.Abhishek, for R.2

ORDER

The present criminal original petition has been filed to call for the records pertaining to the proceedings of S.C.No.441 of 2014 pending on the file of the learned Principal Judge, City Civil and Sessions Judge, Chennai and to quash the same.

2. The second respondent / de facto complainant lodged a complaint as against the petitioner herein stating that on a promise to marry her, the petitioner had consensual sex with her and later, cheated her since she belongs to schedule caste. Based on the said complaint, a case was registered in Crime No.1827 of 2013 for the alleged offence punishable under Section 420 I.P.C. and Sections 3(x) and 3(xii) of Schedule Caste and

Schedule Tribes (Prevention of Atrocities) Act, 1989. In this case, after completion of investigation, final report was filed and the same was taken on file as P.R.C.No.115 of 2014 and now, it was transferred to Sessions Court and renumbered as S.C.No.441 of 2014. Now, the present criminal original petition has been filed to quash the said proceeding.

3. Today, when the matter was taken up for consideration, learned counsel appearing for the petitioner 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 petitioner and the second respondent have also filed a memorandum of compromise stating that they have decided to settle the matter. The second respondent / de facto complainant has also stated in the memorandum of compromise that she has no objection to quash the proceedings in S.C.No.441 of 2014 pending on the file of the learned Principal Judge, City Civil Court, Chennai.

4. Heard both sides and perused the records available on record including the memorandum of compromise filed by the petitioner as well as 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 S.C.No.441 of 2014 pending on the file of the learned Principal Judge, City Civil Court, Chennai, could be quashed in respect of the petitioner / 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."

6. Considering the facts and circumstances and considering the memorandum of compromise filed by the petitioner as well as the second respondent / de facto complainant, I am of the opinion that the criminal proceedings in S.C.No.441 of 2014 pending on the file of the learned Principal Judge, City Civil Court, Chennai, are liable to be quashed and accordingly, quashed in respect of the petitioner / accused and the criminal original petition is allowed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

sbi

To

- 1.The Principal Judge,
City Civil Court, Chennai.
2. The Assistant Commissioner of
Police,
Thenampettai Division,
Chennai.
- 3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.J. Hariharan, Advocate, S.R.No.69478

+1cc to Mr.Babu Rajendran, Advocate, S.R.No.69477

VGI (CO)

EU(19/01/2016)

Cr1.O.P.No.30515 of 2015