

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.113 of 2016

and

Crl.M.P.Nos.42 and 43 of 2016

1.Yasrullah Sheriff
2.H.Jaffarullah Sheriff
3.Rahamathunnisa Petitioners

Vs

1.State, Rep. by its
The Inspector of Police,
All Women Police Station,
Erode.
2.Salma Begum Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in connection with C.C.No.126 of 2014 in Crime No.7 of 2014 pending before the Judicial Magistrate Court No.I, at Erode and quash the same as settled and Compromised between the parties.

For Petitioners : M/s.S.Kingston Jerold

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

ORDER

The present criminal original petition has been filed to call for the records in connection with C.C.No.126 of 2014 in Crime No.7 of 2014 pending before the Judicial Magistrate Court No.I, at Erode and quash the same as settled and Compromised between the parties.

2. The second respondent / de facto complainant has lodged a complaint with the first respondent police as against her husband, her father in law and mother in law, who are the petitioners herein on the allegation of demand of dowry. On the basis of the said complaint, a case was registered in Crime No.7 of 2014 for the

alleged offence punishable under Section 406, 498(A), 494 and 506(i) I.P.C. read with Section 4 of Dowry Prohibition Act. In the said case, after completion of investigation, charge sheet was filed and the same was taken on file as C.C.No.126 of 2014 by the learned Judicial Magistrate No.I, Erode. Now, the present criminal original petition has been filed by the petitioners to quash the said proceedings.

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. To that effect, a memorandum of compromise was also filed. Further, the second respondent / de facto complainant has also filed an affidavit stating that she has no objection to quash the proceedings in C.C.No.126 of 2014 in Crime No.7 of 2014 pending before the Judicial Magistrate Court No.I, Erode.

4. Heard both sides and perused the records available on record including the affidavit filed by the second respondent / de facto complainant and the memorandum of compromise filed by the parties.

5. Since the dispute between the parties has amicably been settled, I am of the opinion that the proceedings in C.C.No.126 of 2014 in Crime No.7 of 2014 pending before the Judicial Magistrate Court No.I, Erode, could be quashed in respect of all the 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 and considering the affidavit filed by the second respondent / de facto complainant and the memorandum of compromise filed by the parties, I am of the opinion that the proceedings in C.C.No.126 of 2014 in Crime No.7 of 2014 pending before the Judicial Magistrate Court No.I, Erode, are liable to be quashed and accordingly, quashed in respect of all the accused and the criminal original petition is allowed. Consequently, connected miscellaneous petitions are closed.

sbi

Sd/-
Assistant Registrar (Judicial)

/TRUE COPY/

Sub-Assistant Registrar

To

1.The Judicial Magistrate No.I,
Erode.

2. THE CHIEF JUDICIAL MAGISTRATE,
ERODE.

3.The Inspector of Police,
All Women Police Station,
Erode.

4.The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.113 of 2016

KK (CO)

MK : 25/01/2016