

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.21053 of 2015

and M.P.No.1 of 2015

1.N.Prakash
2.Narayanan
3.Kuppa Bai
4.Ramesh

... Petitioners / Accused

Vs

1.State, rep. by Sub Inspector of Police,
W.17, All Women Police Station,
Peravallur, Chennai-82. ...1st Respondent/Complainant

2.Sasikala ...2nd Respondent/
Defacto Complainant

Criminal Original Petition filed under Section 482
Cr.P.C. to call for the records in C.C.No.2016 of 2015 pending on
the file of the learned V Metropolitan Magistrate, Egmore at
Chennai and quash the entire proceedings against the petitioners
are concerned.

For Petitioners : Mr.S.D.Venkateswaran

For respondents : Mr.C.Emalias,
Addl.Public Prosecutor,
for R.1
Mr.D.Palanisamy,
for R.2

ORDER

The present criminal original petition has been filed
to call for the records in C.C.No.2016 of 2015 pending on the
file of the learned V Metropolitan Magistrate, Egmore at Chennai
and quash the entire proceedings against the petitioners are
concerned.

2. The second respondent / de facto complainant lodged a complaint as against her husband, father in law, mother in law and brother 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.11 of 2014 for the alleged offence punishable under Sections 498 (A), 406 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.2016 of 2015 by the learned V 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 second respondent / de facto complainant and the first petitioner have also appeared before this Court and submitted that they have entered into a compromise. They have also filed a memorandum of compromise to that effect. The second respondent / de facto complainant has also stated in the memorandum of compromise that she has no objection to quash the proceedings in C.C.No.2016 of 2015 pending on the learned V Metropolitan Magistrate, Egmore, Chennai against all the petitioners / accused.

4. Heard both sides and perused the records available on record including the memorandum of compromise 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.2016 of 2015 pending on the file of the learned V 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 memorandum of compromise 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.2016 of 2015 pending on the file of the learned V 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/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

*enclosed herewith exrox copy
of memo of compromise

sbi

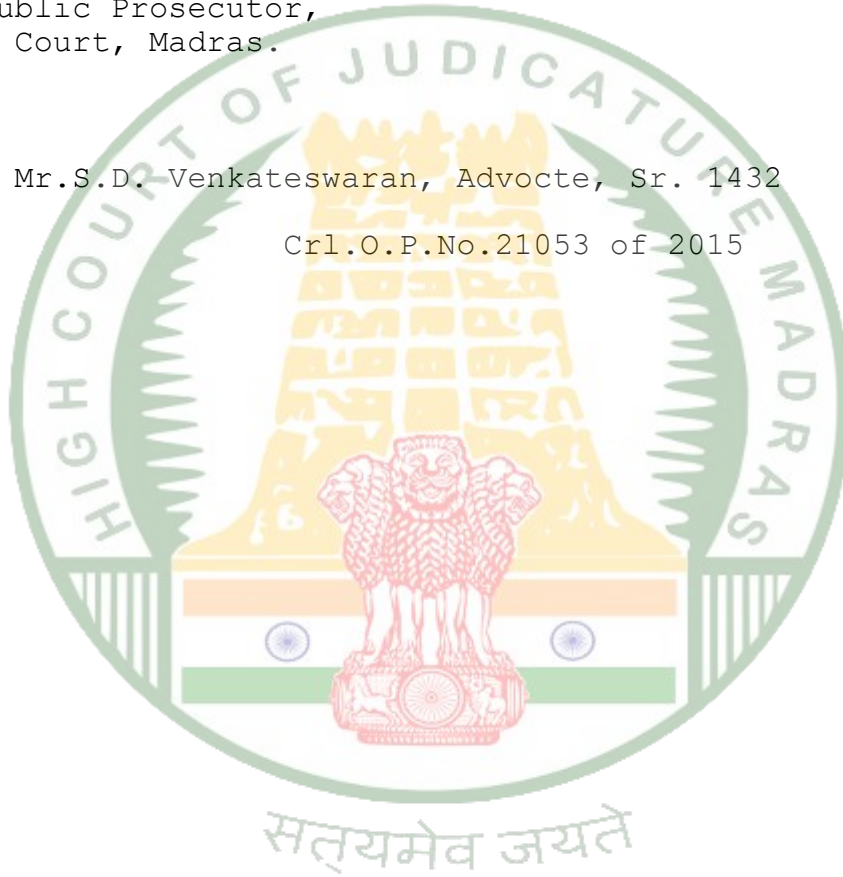
To

- 1.The V Metropolitan Magistrate,
Egmore, Chennai.
- 2.The Sub Inspector of Police,
W.17, All Women Police Station,
Peravallur, Chennai-82.
- 3.The Public Prosecutor,
High Court, Madras.

1 cc to Mr.S.D. Venkateswaran, Advocte, Sr. 1432

CrI.O.P.No.21053 of 2015

GR (CO)
kk 22/1



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