



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

Crl.O.P.(MD) No.14795 of 2015

and

MP(MD).Nos. 1 and 2 of 2015

1. Loha
2. Seetha Lakshmi
3. Jeyakumar

... Petitioners/A1 to A3

-vs-

1. State Rep. by
The Inspector of Police,
All Women Police Station,
Rajapalayam,
Virudhunagar District.
(Crime No.10 of 2014)

... 1st Respondent/Complainant

2. Aswin Sriram

... 2nd Respondent/Defacto Complainant

Prayer: Petition filed under Section 482 of Code of Criminal Procedure to call for the records pertaining to the proceedings in C.C.No.129 of 2015 on the file of the Judicial Magistrate No.II, Srivilliputtur and quash the same

For Petitioners	:	Mr.M.Jagadeesh Pandian M/S.K.J.ASSOCIATES
For R1	:	Mr.A.P.Balasubramani Govt. Advocate (Crl.Side)
For R2	:	Mr.P.T.Ramesh Raja

O R D E R

This petition has been filed seeking to quash the proceedings in C.C.No.129 of 2015 on the file of the Judicial Magistrate No.II, Srivilliputtur, pursuant to the amicable settlement effected between the parties. The petitioners/A1 & A2 are the wife and mother-in-law of the 2nd respondent respectively and petitioner/A3 is the grand father of A1

2. It is seen that the case in Crime No.10 of 2014 has been registered by the 1st respondent herein for the alleged offences under Sections 417, 384, 495, 294(b) and 506(i) IPC. After completion of the investigation, the Investigating Officer has filed a charge sheet before the learned Judicial Magistrate No.II, Srivilliputtur in C.C.No.129 of 2014.

3. Learned counsel for the petitioners/accused would submit that the 2nd respondent has preferred the present complaint in order to achieve his personal vendetta and that the complaint is



absolutely false and filed with an ulterior motive. It is further submitted that as the matter has been settled amicably, both the parties are not willing to proceed with the case.

4. A joint memo of compromise entered into between the defacto complainant and the accused has been filed by the parties and the petitioners/accused and the second respondent are personally present before this Court; 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.

5. It is relevant to quote the decision in Gian Singh v. State of Punjab, reported in (2012) 9 SCALE 257, wherein it has been held as under:

"the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences Under Section 320 of the Code. ...The High Court may quash criminal proceedings pertaining to 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, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put 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 husband and estranged wife."

5.1. A Full Bench of the Hon'ble Supreme Court of India, in the recent judgment of Jitendra Raghuvanshi & Ors. v. Babita Raghuvanshi & Anr. (Criminal Appeal No. 447 of 2013 arising out of S.L.P. (CRL.) No. 6462 of 2012), has again affirmed B.S. Joshi and has held that, "High Court in exercise of its inherent powers can quash the criminal proceedings or FIR or complaint in appropriate cases in order to meet the ends of justice and Section 320 of the Code does not limit or affect the powers of the High Court under Section 482 of the Code.

6. The 2nd respondent / defacto complainant has stated that as per the compromise entered into between him and the 1st petitioner/wife, he has agreed to give Rs.9,00,000/- at the time of completion of HMOP proceedings pending before the Family Court, Srivilliputtur and that all their disputes were settled amicably and therefore, he has no objection in quashing the proceedings against the petitioners.



7. It is pertinent to mention here that in consequence of the amicable settlement between the parties, there is no possibility of the defacto complainant giving evidence against the accused persons and the witnesses would become hostile and ultimately, this case will not end in any conviction and therefore, the continuation of criminal case will be an abuse of the process of Court.

8. Hence, considering the nature of allegations made; that in view of the joint memo of compromise, it can safely be concluded that no useful purpose would be served in keeping these matters pending.

In the result, this Criminal Original Petition is allowed and the entire proceedings in C.C.No.129 of 2015 on the file of the Judicial Magistrate No.II, Srivilliputtur are hereby quashed against the petitioners/A1 to A3. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Records)

/TRUE COPY/

Sub Assistant Registrar

To:

1. The Judicial Magistrate No.II,
Srivilliputtur.
2. The Inspector of Police,
All Women Police Station,
Rajapalayam,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court
Madurai.

+1cc to M/S.P.T.RAMESH RAJA,ADVOCATE SR.NO. 30236

ar

JA-DB-11.08.2016/3P:5C

Cr1.O.P.(MD) No.14795 of 2015