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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

Cr1.O.P.(MD) No.2832 of 2015

and

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

1. Aswin Sriram
2. Alagarsamy
3. Geetha
4. V.Dhivya Sri

... Petitioners/Respondents 2 to 6

-vs-

Logha

... Respondent/Petitioner

Prayer: Petition filed under Section 482 of Code of Criminal Procedure to call for the records in proceedings in D.V.A.No.5 of 2014 on the file of the Judicial Magistrate No.I, Srivilliputtur and quash the same as against the petitioners

For Petitioners : Mr.P.T.Ramesh Raja

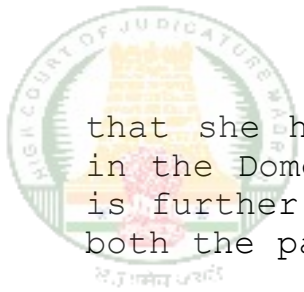
For Respondent : Mr.R.Gandhi

O R D E R

This petition has been filed seeking to quash the proceedings in D.V.A.No.5 of 2014 on the file of the Judicial Magistrate No.I, Srivilliputtur, pursuant to the amicable settlement effected between the parties. The petitioners are the husband, father-in-law, mother-in-law and sister-in-law of the respondent.

2. It is seen that the respondent has instituted proceedings as against the petitioners under the provisions of the Protection of Women from Domestic Violence Act in D.V.A.No.5 of 2014, which is pending before the learned Judicial Magistrate No.I, Srivilliputtur.

3. Learned counsel for the petitioners/accused would submit that the respondent has married the 1st petitioner herein by concealing her first marriage with one Bose Krishna Shankar and



that she has implicated the entire family members of her husband in the Domestic Violence proceedings with a malafide intention. 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.

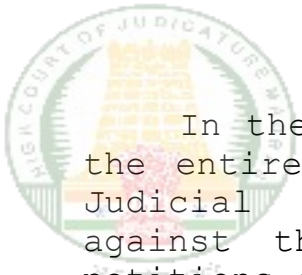
5. The respondent / defacto complainant has stated that there is no claim whatsoever pending from her husband and that her husband has consented to give Rs.9,00,000/- at the time of completion of HMOP proceedings pending before the Family Court, Srivilliputtur and therefore, she has no objection in quashing the proceedings against the petitioners.

6. 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.

7. When such a situation arose in similarly placed matters in **Crl.O.P. (MD) Nos.406, 530 and 864 of 2016 (Prabu and others vs. State Rep. By The Inspector of Police and others), decided on 28.01.2016**, this Court considered the various decisions rendered by the Hon'ble Supreme Court in this regard in several cases, namely, **Gian Singh vs. State of Punjab and another [(2012) 10 SCC 303]**, **B.S.Joshi vs. State of Haryana [(2003) 4 SCC 675]**, **Nikhil Merchant vs. CBI [(2008) 9 SCC 677]**, **Narinder Singh and others vs. State of Punjab and another [(2014) 6 SCC 466]** and **State of Madhya Pradesh vs. Manish and others [(2015) 8 SCC 307]** and observed as under:

"11..... As held by the Apex Court, insofar the offences arising out of matrimonial dispute, relating to dowry or the family disputes where the wrong is basically private or personal in nature, are concerned, the possibility of conviction is remote and bleak, in case the parties resolve their entire disputes amicably among themselves.....".

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 D.V.A.No.5 of 2014 on the file of the Judicial Magistrate No.I, Srivilliputtur are hereby quashed against the petitioners. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(Records)

/TRUE COPY/

Sub Assistant Registrar

To:

The Judicial Magistrate No.I,
Srivilliputtur.

+1cc to M/S.P.T.RAMESH RAJA,ADVOCATE, SR NO:30237

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JA-DB-11.08.2016/3P:3C

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