



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 11.07.2016
CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

Crl.O.P.(MD) Nos.5407 of 2015 and 7031 of 2016

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K.Serma Perumal ... Petitioner/A2 in Crl.O.P.(MD) 5407 of 2015

1. Jerry Jaberson
2. Anthony @ Anthony Raj ... Petitioners/A1 & A3
in Crl.O.P.(MD) 7031 of 2016

-vs-

1. State Rep. by
The Assistant Commissioner of Police,
(Law and Order), Palayamkottai,
Tirunelveli City.
(Crime No.42 of 2014) ... 1st Respondent/Complainant in
both petitions

2. P.Petchimuthu ... 2nd Respondent/Defacto Complainant in
both petitions

Common Prayer: Petitions filed under Section 482 of Code of Criminal Procedure to call for the charge sheet in connection with P.R.C.No.73 of 2014 on the file of the learned Judicial Magistrate No.I, Tirunelveli and quash the same.

(Prayer clause amended as per orders of this Court dated 30.06.2016)

For Petitioners : Mr.R.Jayaprakash

For R1 : Mr.A.P.Balasubramani
Govt. Advocate (Crl.Side)

For R2 : Ms.S.M.Anusha

C O M M O N O R D E R

These petitions have been filed seeking to quash the proceedings in P.R.C.No.73 of 2014 on the file of the learned Judicial Magistrate No.I, Tirunelveli, pursuant to the amicable settlement effected between the parties.

2. It is seen that the case in Crime No.42 of 2014 has been registered by the 1st respondent herein for the alleged offences under Sections 324, 323 IPC and Section 3(i)(x) of SC/ST (PoA) Act. After completion of the investigation, the 1st respondent has filed a charge sheet, which was taken on file in P.R.C.No.73 of 2014 on the file of the learned Judicial Magistrate No.I, Tirunelveli.

3. When these matters are taken up for hearing, the <https://hcservices.courts.gov.in/hcservices/> and the second respondent, appeared in persons and 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, namely, Mr.G.Thillai Nagarajan, Inspector of Police, Palayamkottai Police Station, Tirunelveli District. Learned counsel appearing for the parties also endorsed the identity of their respective parties.

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4. The counsel appearing on either side filed a joint memo of compromise dated 23.06.2016, duly stating that since the parties have arrived at an amicable settlement by way of compromise among themselves, the second respondent has agreed for quashing of the above case in P.R.C.No.73 of 2014 on the file of the learned Judicial Magistrate No.I, Tirunelveli in respect of the petitioners in both petitions.

5. 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....."

6. Even though the case is registered for various offences as stated supra (some of which are non compoundable offences), considering the nature of allegations and pursuant to the amicable settlement between the parties, there is no scope for the case ending in conviction; that there is no possibility of the defacto complainant giving evidence against the accused persons; that the witnesses would also become hostile; that the continuation of the present criminal case will be an abuse of the process of Court and that it would not be in the ends of justice, this Court deem it proper to quash the proceedings.

7. Hence, taking note of the judgments referred to supra, this Court is of the opinion that it can safely be said that no useful purpose would be served in keeping these matters pending.

8. In the result, these Criminal Original Petitions are allowed and the entire proceedings in P.R.C.No.73 of 2014 on the file of the Judicial Magistrate No.I, Tirunelveli are hereby quashed against the petitioners/A1 to A3. Consequently, connected miscellaneous petitions are closed.

Sd/
Assistant Registrar (CS-II)



To:

1. The Judicial Magistrate No.I,
Tirunelveli.
2. The Assistant Commissioner of Police,
(Law and Order),
Palayamkottai,
Tirunelveli City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+4ccs to M/S.R.Jayaprakash, Advocate in SR.No.35567

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11.07.2016

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PA/GSV-PM/09.08.2016/2P/8C

Encl: Copy of Compromise Memo