



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

Cr1.O.P. (MD) No.13608 of 2016

1. Mohamed Usain
2. Pavun Beevi
3. Ayub
4. Rahim
5. Peer
6. Ayisha
7. Jamila

... Petitioners/
A1, A2, A4 to A8

-VS-

1. State Rep. by
the Inspector of Police,
All Women Police Station,
Tenkasi, Tirunelveli.
(Crime No.21/2015)

... 1st Respondent/Complainant

2. Sabeena

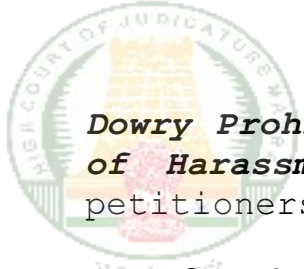
... 2nd Respondent/Defacto Complainant

Prayer: Petition filed under Section 482 of Code of Criminal Procedure to call for the records pertaining to the First Information Report in Crime No.21 of 2015 on the file of the 1st respondent and quash the same.

For Petitioners	:	Mr.N.Sekar
For R1	:	Mr.A.P.Balasubramani
		Govt. Advocate (Cr1.Side)
For R2	:	Mr.K.Jegan

O R D E R

Section 482 Cr.P.C., saves inherent power of the Court. Such inherent power can be exercised either to prevent the abuse of the process of the Court or otherwise to secure the ends of justice. Invoking such inherent power, this petition has been filed to quash the proceedings on the ground that the continuance would amount to abuse of the process of the Court.



Dowry Prohibition Act and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act by the 1st respondent against the petitioners.

3. When the matter is taken up for hearing, the petitioners 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 first respondent police.

4. Learned counsel appearing for the parties filed a joint memo of compromise dated 28.07.2016, duly stating that since the parties have arrived at an amicable settlement, under which the second respondent has agreed to withdraw the above case in Crime No.21 of 2015 pending on the file of the first respondent.

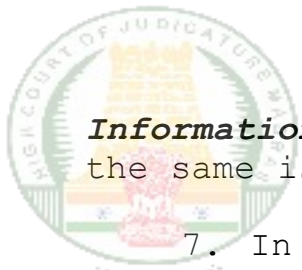
4.1. According to the parties, the marriage between the first petitioner and the second respondent has been dissolved by pronouncement of 'Talaq' as per their religious practice and they have decided to live separately once for all. From the compromise, this Court can safely infer that the chances of the defacto complainant deposing against the petitioners is less and therefore, the chance of conviction of the accused is bleak.

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. Therefore, considering, a) the nature of relationship between the parties, b) nature of offences alleged c) the settlement arrived at and d) the ultimate result of the prosecution, this Court is of the view that quashing of the **First**

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Information Report will meet the ends of justice and accordingly, the same is ordered to be quashed.

7. In the result, this Criminal Original Petition is allowed and the entire proceedings in Crime No.21 of 2015 dated 06.09.2015 on the file of the 1st respondent police in respect of the petitioners are hereby quashed.

Sd/
Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

1.The the Inspector of Police,
All Women Police Station,
Tenkasi, Tirunelveli.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court
Madurai.

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SMA/AAL-MPA/22/09/2016 :2P/3C