



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2016

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

Crl.O.P. (MD) .No.5277 of 2016

1.Ramanathan
2.N.Shanmugam
3.Vasantha

... Petitioners/A1 to A3

Vs.

State through by
1.The Inspector of Police,
All Women Police Station,Karaikudi,
Sivagangai District.
(Crime No.13 of 2009)

... 1st respondent/Complainant

2.N.Pratheeba

... 2nd respondent/Defacto

complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records relating to the charge sheet in C.C.No.151/2010, on the file of the Principal District Munsif cum Judicial Magistrate Court, Karaikudi, and quash the same.

For Petitioner	: Mr.M.Subash Babu
For R1	: Mr.K.V.Rajarajan, Govt. Advocate (Crl.Side)
For R2	: Mr.A.Sivasubramanian

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.

2. A case in Crime No.13 of 2009 has been registered under Sections 498(A), 354, 406, 506(ii) IPC r/w Section 4 of Dowry Prohibition 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 person 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.

4. Learned counsel appearing for the parties stated that at the intervention of the elders, they have arrived at an amicable settlement and in pursuance of the compromise, the 2nd respondent got back the list of jewels and articles, which are detailed in the affidavit filed dated 17.08.2016 before this Court and the second respondent has also agreed to withdraw the above case in Crime No.13 of 2009 pending on the file of the first respondent.

4.1. 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.

4.2. Even in respect of matrimonial disputes, there are two kinds of cases, a) one kind relates to existing and continuing relationship between the parties; in this type of case; having regard to the preservation of family tie and in the interest of welfare of children, the Court might have to consider the claim of settlement between the parties, b) yet another kind of case is, where there is dowry death and abetment to commit suicide, where the implication is felt more seriously by the society, in which the permission to compound cannot be considered at all.

4.3. So far as this case is concerned, the settlement has been arrived at amicably between the de-facto complainant and the 1st petitioner and the de-facto complainant got back her jewels and articles and got divorced, subsequently, she got married to another person and therefore **the possibility of conviction is remote and bleak**. Therefore, the proceedings must be quashed.

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 **charge sheet** will be in 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 C.C. No.151 of 2010 on the file of the Principal District Munsif cum Judicial Magistrate Court, Karaikudi, in respect of the petitioners are hereby quashed. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar

To:

- 1.The Principal District Munsif cum Judicial Magistrate,
Karaikudi.
- 2.The Inspector of Police,
All Women Police Station,
Karaikudi,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/s.M.Subash Banu, Advocate in SR.No. 45536/16

+1cc to M/s.A.Sivasubramanian, Advocate in SR.No. 45121/16

RR

JA-CK-15.09.2016/3P:6C

Crl.O.P(MD) No.5277 of 2016
and Crl.M.P.Nos.2606 and 2607/2016
17.08.2016