

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2018

CORAM:

THE HON'BLE MRS.JUSTICE R.HEMALATHA

Crl.O.P.No.11947 of 2011

1.Ravikumar
2.Govindappan
3.Babu @ Dharani Babu
4.Raja @ Yuvaraja ... Petitioners/Accused

/Vs/

1. State by:
Inspector of Police,
All Women Police Station,
Uthukkottai,
Thiruvallur District.
2. Baskar,
(Implead the second respondent
as per the order of this Court dated
22.06.2017 in Crl.M.P.No.7670/17) .. Respondents/Complainant

Prayer:

Criminal Original Petition filed under section 482 of Criminal Procedure Code to call for the records in C.C.No.119 of 2010, on the file of the District Munsif -cum- Judicial Magistrate, Uthukkottai and quash the proceedings as against the third and fourth petitioners.

For Petitioners : Mr.V.K.Sathiamurthy

For Respondents : Mr.T.Shunmugarajeswaran for R1
Government Advocate

Mr.V.Rengarajan, for R2

ORDER

The petitioners are the accused in C.C.No.119 of 2010 on the file of the District Munsif Court -cum- Judicial Magistrate, Uthukkottai.

2. The Inspector of Police, All Women Police Station, Uthukottai, based on the complaint preferred by the second respondent, registered a First Information Report in Cr.No.8/2009 of All Women Police Station, Uthukkottai, Thiruvallur, against the accused for the alleged offences punishable under Sections 420 and 506(ii) of IPC. Subsequently, after conclusion of investigation, the Inspector of Police, All Women Police Station laid a final report against the accused for the offences under Section 4 of the Dowry Prohibition Act read with Section 506(ii) IPC.

3. The petitioners have filed the present petition to call for the records in C.C.No.119 of 2010, on the file of the District Munsif Court cum Judicial Magistrate, Uthukottai, and quash the proceedings, on the ground that there is a delay in lodging the First Information Report and that they are not connected with any offence as alleged by the defacto complainant.

4. Mr.V.K.Sathiamurthy, the learned counsel appearing for the petitioners contended that a compromise has been arrived at between the parties and a memorandum of compromise was recorded today i.e., 03.07.2018. Both the petitioners and the second respondent are present before this Court and they are identified by their respective counsels. They have also furnished their Identity Cards.

5. The learned counsel for the petitioners relied on the decision of the Hon'ble Supreme Court in B.S.Joshi and others Vs. State of Haryana and another, reported in (2003) 4 SCC 675 and contended that eventhough the offences under Section 4 of Dowry Prohibition Act is not compoundable, the proceedings in C.C.No.119/20109 can be quashed, since the matter has been settled between the parties. He would further contend that Section 320 does not limit or affect the powers under Section 482 of Criminal Procedure Code and that the entire criminal proceedings in C.C.No.119 of 2010 pending before the learned Judicial Magistrate, Uthukkottai, can be quashed. It is also brought to the notice of this Court that the daughter of the second respondent is married to some other person and is living happily. Therefore, in order to give a quietus to the issue, this Court is of the considered view that the proceedings in C.C.No.119 of 2010 can be quashed.

6. In the result, this Criminal Original Petition is allowed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

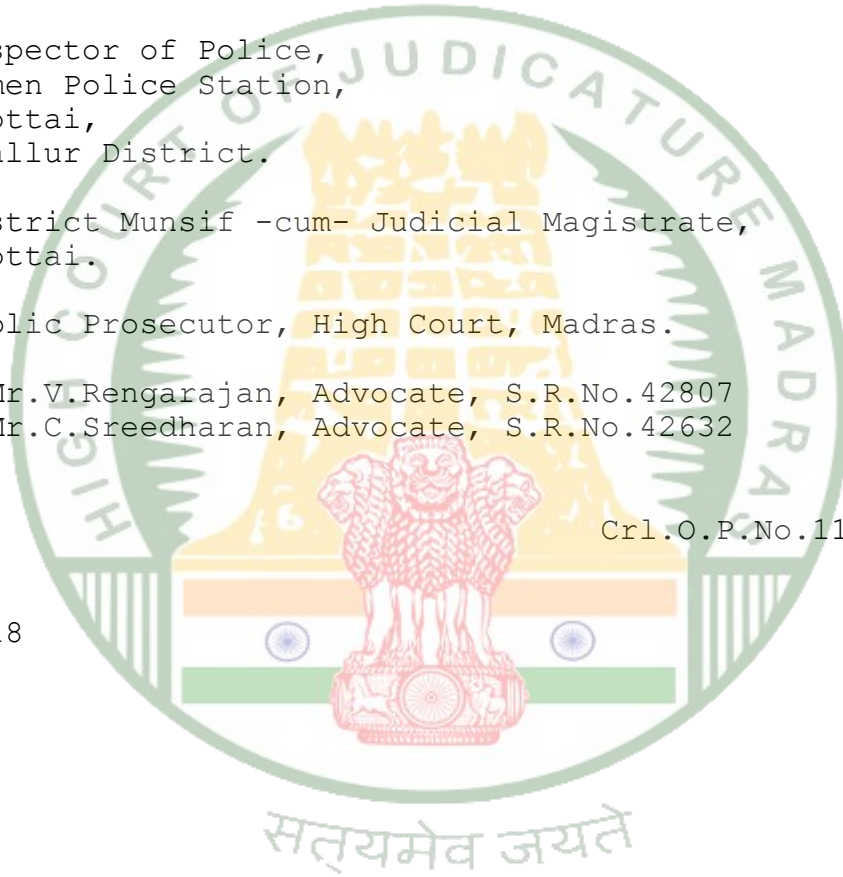
dna

To

1. The Inspector of Police,
All Women Police Station,
Uthukkottai,
Thiruvallur District.
 2. The District Munsif -cum- Judicial Magistrate,
Uthukkottai.
 3. The Public Prosecutor, High Court, Madras.
- +1cc to Mr.V.Rengarajan, Advocate, S.R.No.42807
+2ccs to Mr.C.Sreedharan, Advocate, S.R.No.42632

Crl.O.P.No.11947 of 2011

CA(CO)
CS/05/07/18



WEB COPY