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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

CRL.OP.NO.4223 OF 2017

AND

CRL.M.P.NOS.3137 & 3138 OF 2017

[VIDEO CONFERENCING]

1.Leelesh Kumar
2.Ashok Kumar Jain
3.Bhagwathi Jain
4.Neelam Devi Jain
5.Rakesh Kumar Jain

... Petitioners/Accused 1 to 5

Versus

1.The State represented by,
The Inspector of Police,
W-10, All Women Police Station,
Flower Bazar Range,
Chennai - 600 001.
Crime No.1 of 2016)

2.Kavitha

... Respondents/Complainant

Impleaded the 2nd respondent as per
the order of this Court dated
12.04.2017 in Crl.M.P.No.5275 of
2017 in Crl.O.P.No.4223 of 2017

Prayer : -

Criminal Original Petition filed under Section 482 of
Cr.P.C., to call for the records and quash the proceedings in
C.C.No.163 of 2017 pending on the file of the VIII Metropolitan
Magistrate, George Town, Chennai.

For Petitioners : Mr.C.Arun Kumar

For R1 : Mr.E.Raj Thilak
Additional Public Prosecutor

For R2 : Mr.Pramodkumar Chopda



ORDER

The present Criminal original petition has been filed to call the records in C.C.No.163 of 2017 pending on the file of the VIII Metropolitan Magistrate, George Town, Chennai and to quash the same.

2.The 1st petitioner is present through video conferencing along with the learned counsel Mr.C.Arun Kumar. The learned counsel for the 2nd respondent Mr.Pramodkumar Chopda is also present through video conferencing.

3.The matter arises out of the complaint given by the 2nd respondent and pursuant to investigation final report had been filed before the VIII Metropolitan Magistrate, George Town, Chennai, which had been taken cognizance as C.C.No.163 of 2017 and now the present petition has been filed seeking interference with further progress of the said calendar case. The said calendar case had been taken cognizance under Sections 498(A), 406 and 354 of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.

4.The 1st petitioner was the husband and the 2nd, 3rd, 4th and 5th petitioners were father-in-law, mother-in-law, sister-in-law and brother-in-law respectively of the respondent.

5.One factor which prevails upon me to interference with further progress in C.C.No.163 of 2017 is that the 1st petitioner appears to have taken a conscious decision to move forward and had married again on 14.05.2021 and similarly, the 2nd respondent also had married again on 20.06.2021. Of course they had married after their marriage solemnized between them had been dissolved in manner known to law by the III Additional Principal Judge, Family Court Chennai, in O.P.No.4791 of 2016 by order dated 23.02.2021. The order had been passed in the presence of both the parties.

6.In view of that particular development, I would take guidance from the dictum as laid down by the Hon'ble Supreme Court in 2017 9 SCC 641, Parbatbhai Aahir Alias Parbatbhai Bhimsinhbhai Karmur and others V. State of Gujarat and Another, wherein necessary principles which should be examined by the Court had been given, and that the High Court can exercise its inherent power, interfere with proceedings to prevent and abuse of the process of the Court or otherwise to secure the ends of justice. Sub clause 9 of the principle laid down by the Hon'ble Supreme is as follows:-

"9).In such a case, the High Court may quash the criminal proceeding if in view of



the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice."

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7. In the above said principle, the Hon'ble Supreme Court had very clearly stated that the High Court may quash criminal proceedings in view of a compromise between the disputants and the possibility of a conviction becoming remote and continuation of criminal proceedings causing oppression and prejudice.

8. In the instant case, both the 1st petitioner and the 2nd respondent have taken a conscious decision to marry again and certainly, the trial process would be an oppression to both the parties. Possibility of conviction is also remote and I am equally confident that the 1st respondent would not be interested in pursuing the complaint given by 2nd respondent.

9. In view of these facts, the calendar case in C.C.No.163 of 2017 now pending on the file of the VIII Metropolitan Magistrate, George Town, Chennai, is quashed and the present Criminal Original Petition is allowed. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
W-10, All Women Police Station,
Flower Bazar Range, Chennai - 600 001.
2. The court of VIII Metropolitan Magistrate,
George Town, Chennai.
3. The Public Prosecutor
High Court, Madras.

+1cc to Mr.C.Arun Kumar, Advocate, S.R.No.52444

+1cc to Mr.Pramodkumar Chopda, Advocate, S.R.No.22573

+4cc to Mr.C.Arun Kumar, Advocate, S.R.No.52444 (18.11.2021)

Cr1.OP.No.4223 of 2017

BS(CO)

CS/27/10/2021