



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2022

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

WEB COPY

Crl.O.P.No.12359 of 2018

1.Lakshmikantham
2.Sugumar
3.Kalanithi
4.Thiyagarajan
5.Ambika
6.Thiyagarajan

...Petitioners

Versus

State Rep.by its

1.The Inspector of Police
W33, Madhavaram All Woman Police Station
Madhavaram
Chennai.
(Crime No.30 of 2018)

2.Rajeshwari

...Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code praying to call for the records and quash all the proceedings in C.C.No.106 of 2017 on the file of the Judicial Magistrate, Thiruvottiyur in Crime No.6 of 2016 now pending investigation on the file of the first respondent.

For Petitioner : Ms.C.Shyamala

For Respondents: Mr.A.Damodaran for R1

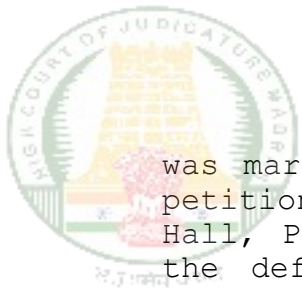
Additional Public Prosecutor (Crl.Side)

O R D E R

The Criminal Original Petition has been filed to call for the records and quash all the proceedings in C.C.No.106 of 2017 on the file of the Judicial Magistrate, Thiruvottiyur in Crime No.6 of 2016 now pending investigation on the file of the first respondent.

2. The case is still at the stage of trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. The petitioners are the accused A2 to A7 in C.C.No.106 of 2017, have filed this quash petition. The case against them is that the second respondent/defacto complainant

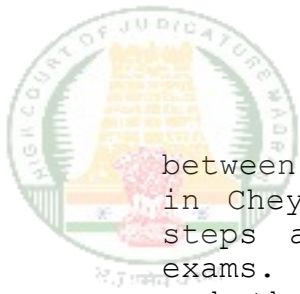


was married to one Seenu @ Senthil Kumar/A1, who is the son of petitioner 1 and 2. The marriage was held at Shanmuga Marriage Hall, Perambur, Chennai. During the solemnization of marriage, the defacto complainant family spent Rs.8 lakhs for marriage expenses and it includes dowry amount of Rs.1,00,000/-, one bike and jewels worth about 12 sovereigns, which were given as sreedhana. After the marriage, the second respondent was compelled to stay in a small place along with A1, A2 and A3 in one room apartment. Since there is no privacy and it was great difficulty to live in a small room, she requests A1 to find out a bigger house. However, A1 refused the same stating that he did not have money for taking a big house. When the de-facto complainant suggested him to use the gift money given during marriage for the above said purpose, at that time, all the accused A1 to A7 had abused and threatened her stating that she has got no right to speak about the gift articles. The first petitioner/A2 is the mother-in-law, the second petitioner/A3 is the father-in-law, claimed that they would arrange another marriage for their son/A1. Further A4 to A7, who are the other in laws, claimed that since the defacto complainant could not bear a child, they would make arrangement for another marriage to A1. On completion of investigation, charge sheet was filed and the same is now pending trial in C.C.No.106 of 2017 before the Judicial Magistrate, Thiruvottiyour.

4. The learned counsel for the petitioners submitted that due to the intervention of the family members and elders, the difference of opinion between them has now been resolved. Earlier, A1 viz., Seenu @ Senthil Kumar had filed a divorce petition before the Principal Family Court, Chennai, in O.P.No.1051 of 2017 on the ground of cruelty, subsequently, due to the compromise entered, the divorce petition was withdrawn on 22.11.2021. Now, the matrimonial dispute got resolved and both are living jointly and leading a happy marriage life as husband and wife. He further submitted that the pendency of the above case is causing annoyance of their happy marriage life. He further stated that during the pendency of the case, A7, Thiagarajan passed away on 21.06.2019 and his death certificate is produced.

5. The learned Additional Public Prosecutor submits that it is purely a matrimonial dispute and they had no objection for quashing the proceedings and directing the All Woman Police Station to work out reconciliation and compromise proceedings, so that the estranged husband and wife and their family members, may join together and continue the good relationship.

6. The defacto complainant/Rajeswari today appeared in person and filed an affidavit confirming the compromise entered



between them. She also stated that now presently she is employed in Cheyyar Taluk Office and her husband is taking all earnest steps and preparing for Tamil Nadu Public Service Commission exams. She confirmed that now the matrimonial life is restored and they are leading a happy marriage life and she heartily gives concurrence for quashing of the charge sheet.

7. This Court enquired both the second respondent and A1 and both of them confirmed the compromise and the learned Additional Public Prosecutor also confirmed that they are living happily after resolving the matrimonial dispute. An affidavit dated 24.02.2022 has been filed before this Court, which has been signed by the 2nd respondent. In the Affidavit, it has been stated that the petitioners and the second respondent have entered into a compromise and amicably settled their issues in CC.No.106 of 2017. This Court also enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves.

8. Under such circumstances, no useful purpose will be served in keeping the case pending, even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in 2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrat), and after exercising due caution as advised by the Hon'ble Supreme Court in The State of Madhya Pradesh v. Dhruv Gurjar and Another reported in (2019) 2 MLJ Cr1 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the case in C.C.No.106 of 2017, pending on the file of the learned Judicial Magistrate, Thiruvottiyour.

9. In view of the same, this Court hereby quashed the proceedings in C.C.No.106 of 2017 against the petitioners as well as A1 viz., Seenu @ Senthil Kumar pending on the file of the learned Judicial Magistrate, Thiruvottiyour. Accordingly, the petition is ordered.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

dna



To

1.The Judicial Magistrate, Thiruvottiyur

2.The Inspector of Police

W33, Madhavaram All Woman Police Station

Madhavaram

Chennai.

(Crime No.30 of 2018)

3.The Public Prosecutor

High Court, Madras.

+3 ccs to Ms.C.Shyamala, Advocate Sr.NO. 14487

Crl.O.P.No.12359 of 2018

mt(CO)

A.SK(25/03/2022)