



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.30843 of 2019

And

Crl.M.P.Nos. 16744 & 16745 of 2019

1. S.Kuga
2. K.Omega
3. K.Shanmugapriyan
4. K.Pavithra ... Petitioners/Accused Nos.2, 3,
4, 6

Vs

1. State rep. by
Sub Inspector of Police
Mettupalayam Police Station
Puducherry. ...Respondent/Complainant
2. J.Shanmuga Gokula Kannan ... Respondent/Defacto
Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in S.T.C.No. 1414 of 2019 on the file of the learned Judicial Magistrate IV, Puducherry and quash the same.

For Petitioners : Mr. S.Illamvaludhi



For 1st Respondent : Mr.K.S.Mohan Das
Additional Public Prosecutor
Pondicherry

For 2nd Respondent : Mr.P.Veeraraghavan

ORDER

The petitioner seeks to quash the final report for the offences under Sections 323, 427 read with 34 of IPC.

2. The defacto complainant is the husband's brother of the first petitioner herein. The allegation is that on 20.11.2016 at about 8.30 hours at Jeeva Street, Pondicherry, the petitioners joined together and in furtherance of the common intention, the first petitioner assaulted the complainant with hands and caused simple injuries and the other petitioners caused damages to the flower pots in his house.

3. The learned counsel for the petitioner would submit that the fourth petitioner is the wife of the defacto complainant's brother; that there were matrimonial differences between the husband and wife and on account of that, the fourth petitioner had given a domestic violence complaint against



the second respondent/defacto complainant in D.V.C.No. 10 of 2017; that the fourth petitioner had given a complaint against the parents of the second respondent which is pending trial in C.C.No. 221 of 2017; that the impugned complaint is to only wreak vengeance on the petitioners; that the First Information Report itself was lodged on 12.06.2017 nearly 8 months after the alleged occurrence on 20.11.2016; that the fourth petitioner and her husband had filed divorce by mutual consent and in that they had agreed to resolve all their differences and to withdraw all the cases against each other. Hence, he submitted that in view of the subsequent settlement between the parties and the fact that the husband and wife were granted a decree of divorce by mutual consent on 9th August 2019 the second respondent is no longer interested in continuing the prosecution. Hence, he prayed that the impugned complaint may to be quashed.

4. The learned Additional Public Prosecutor for Pondicherry would submit that there are allegations in the impugned final report and it has to be tested only during trial. It is not a case for quashing the complaint. Hence, he prayed for dismissal of the quash petition.



5. The learned counsel appearing for the second respondent/defacto complainant submitted that he has no direct instructions from the second respondent, but his colleague in the Lower Court had informed him that the matter has been settled.

6. This Court finds that the impugned complaint is regarding an occurrence which took place on 20.11.2016. The allegations are that the first petitioner assaulted the complainant with hands and the others damaged the flower pots. The complaint for the said occurrence was given on 12.06.2017. There is no reason why there was such a huge delay of 8 months to lodge the impugned complaint. That apart, the parties have subsequent to the complaint have arrived at a settlement which is reflected in the order granting divorce dated 09.08.2019 in M.O.P.No. 171 of 2019 on the file of Family Court, Puducherry. The fourth petitioner had agreed to withdraw all the complaints filed by her against the second respondent's brother and the other family members. The compromise was arrived at after the impugned final report was filed.



7. The impugned complaint which is belated, relating to a trivial incident stems out of a matrimonial dispute. In view of the subsequent compromise and since the chances of conviction is bleak, this Court is inclined to quash the impugned final report.

8. For all the above reasons, this Criminal Original Petition is allowed and the final report in S.T.C.No. 1414 of 2019 on the file of the learned Judicial Magistrate No.IV, Puducherry is quashed. Consequently, connected Miscellaneous Petitions are closed.

20.03.2023

Index:Yes

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To

1. Judicial Magistrate No.IV, Puducherry
2. Sub Inspector of Police
Mettupalayam Police Station
Puducherry.
3. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN. J.

vsg

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