



Crl.O.P.Nos.6986 & 8184 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on : 05.04.2024

Pronounced on: 10.04.2024

Coram:

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.Nos.6986 & 8184 of 2024

Crl.O.P.No.6986 of 2024

1. Govindarajan alias Rajan.
2. Jenifer Anitha.
3. Saraswathi.
4. Manjula

... Petitioners

/versus/

1. State Rep. by Sub Inspector of Police,
Thirumanagalam Police Station,
Chennai – 600 101.

2. Sowmiya, W/o.Late Saravanan
- Respondents

Prayer:- Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for entire record in connection with the case in Final Report in C.C.No.3418 of 2023 on the file of the Learned XIII Metropolitan Magistrate, Egmore.

For Petitioner : Ms.S.Deepika

For R1 : Mr.S.Udaya Kumar,
Government Advocate (Crl.Side)



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Crl.O.P.No.8184 of 2024

1. R.Siva Kumar.

2. Sowmiya.

3. Praveen Kumar.

4. Geetha.

... Petitioners/Accused A1 to A4

/versus/

1. State Rep. by the Assistant Commissioner of Police,
Thirumanagalam Police Station,
Chennai – 600 101.

2. Govindarajan @ alias Rajan ... Respondents/Defacto complainant

Prayer:- Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for entire record in connection with the case in Final Report in C.C.No.3418 of 2023 on the file of the Learned XIII Metropolitan Magistrate, Egmore.

For Petitioners : Mr.G.Thyagarajan

For R1 : Mr.S.Udaya Kumar,
Government Advocate (Crl.Side)

COMMON ORDER

These two Criminal Original Petitions are filed to quash the case, in C.C.No.3418 of 2023 pending on the file of XIII Metropolitan Magistrate Court, Egmore and the case-in-counter, in Spl.S.C.No.144 of 2023 pending on the file of Principal Judge, City Civil Court, Chennai.



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2. The parties are members of two families. One headed by

Mr.Govindarajan @ Rajan (the complainant in Spl.S.C.No.144 of 2023) who is an Advocate by profession and also happened to be person hails from Schedule Caste Community. The other side is the family members of his former client by name Smt.Sowmiya (the complainant in C.C.No.3418 of 2023). She is a widow and mother of two female child. She hails from a non-schedule Caste Community.

3. Mr.Govindarajan @ Rajan, has sent a complaint to SC&ST Commission alleging that on 06/05/2022 at 04.00 p.m, he and his wife Anitha went to the house of Smt.Sowmiya and demanded his professional fees for the service he rendered in a Civil Suit of the year 2017, which ended in compromise. At that time, Smt.Sowmiya and her family members abused him calling him by his Caste name, threatened him and his pregnant wife with dire consequence. This complaint had culminated in final report against Sivakumar, Sowmiya, Praveen kumar and Geetha, for offences under Section 3(1)(r), 3(1)(s) of SC/ST Act r/w 323 and 506(1) of IPC.



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4. Whereas, Smt.Sowmiya had lodged a complaint before the

Thirumangalam Police Station against Govindarajan @Rajan, his wife and others alleging that she engaged Govindarajan as her Advocate in a Civil Suit, but he started giving sexual torture and forced her to marry him. Hence, she dis-engaged Mr.Govindarajan @ Rajan. While so, on 10/05/2019 Govindarajan @ Rajan, his wife, his mother-in-law and five more unknown persons came to her house and assaulted her and her father. Further, Mr.Govindarajan @ Rajan started compelling her to satisfy his sexual desire and forced her to marry him. He began to harass her school going daughter. In this regard, she gave complaint to the police. Again, on 06/05/2022 and 13/05/2022 Govindarajan his wife and others came to her house, threatened her, her father and brother. They attacked her sister with a bottle. They used filthy language assassinating her character. They damaged the properties kept in the house and in the provision shop of her father. This complaint had culminated in filing final report against Govindarajan, Anitha, Saraswathi and Manjula, for offences under Sections 341, 294(b), 447, 427, 323, 506(1) of I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment to Women Act.



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5. In the above background of facts as per the record, the parties have come forward with two different petitions to quash both the cases by mutual consent. Joint Compromise memo also filed accompanied by the sworn affidavits.

6. The petition filed by Mr.Govindarajan @ Rajan and 3 others in Crl.O.P.No.6986 of 2024 reads as below:-

“It is humbly submitted that the above case filed against the Petitioners by the Second Respondent for the offences under Section 147, 341, 294 b, 447, 427, 323, 506(i) of IPC r/w Section 4 of Woman Harassment Act, on the file of XIII MM, Egmore as a counter case for a case filed against the Second Respondent and her family members, under the provisions of SC/ST Act in Crime No,349/2022 on the file of Thirumangalam Police Station, later charge sheeted before the PDJ, Chennai as Spl.S.C.No.144/2023.

Since both the cases have been charge-sheeted and taken up for trial, both the sides senior citizens were made as accused, it become more inconvenient for the parties to proceed with the case, and based on the advice of the



elders and Advocates, both the parties herein agreed to compromise the matter and to file a quash Petition respectively as against the above said cases by entering into a compromise memo.

The Petitioner/Accused prefers this Memorandum of Criminal Original Petition to call for the records of the final Report in C.C.No.3418/2023 on the file of the Learned XIII Metropolitan Magistrate, to quash the same based on compromise between the parties.”

7. The petition filed by K.Sivakumar (father of Sowmiya) and 3 others in Crl.O.P.No.8184 of 2024 reads as below:-

“The De-facto Complainant herein filed the above case vide Spl. SC. 144 of 2023 under sections 3(1) (r), 3(1) (s) of The Scheduled Caste and Schedule Tribes (Prevention of Atrocities Act 1999) read with sections 323, 506(1) IPC which is pending before the Hon'ble Principle Judge, City Civil Court Chennai.

The petitioners above have not uttered or spelt any word against the de-facto complainant or anyone else by mentioning either his caste or any other filthy language as stated by the de-facto complainant.



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The de-facto complainant has filed a criminal case and that was registered with FIR with the above said sections

The Petitioner submit that earlier the 3rd Petitioner/accused namely Mrs. Sowmiya has filed a criminal case against the de-facto complainant herein vide C.C.No.3418 of 2023 which is pending before the Metropolitan Magistrate XIII, Egmore, Chennai)

Both the above said cases vide CC.No 3418 of 2023 and Spi.SC.144 of 2023 are charge sheeted and lis pendens.

Meanwhile, with efforts of our elders and lawyers, we have entered into a compromise, wherein all the disputes between the Petitioners and Our Family Members, stands finally resolved and there is no ill will or complaint against each other in any manner and we have agreed to withdraw the complaints made against each other respectively. We have thus decided to file petition for quashing of the Final Report on the basis of Compromise entered between them.

The de-facto Complainant have signed the Consent Affidavit quashing the Final Report, with our mutual



consent and free will without any pressure, force, coercion or undue influence from any side. Now both the parties herein have decided to end all their disputes fully and to live peacefully.

Hence, in the said circumstances, the De-facto Complainant not having any objection for quashing the above said Case vide Spl. SC.No.144 of 2023 as against the Petitioners on the file of the Principal Judge, City Civil Court, Chennai.”

8. In her complaint, Sowmiya alleges that on three occasions the family members of Mr.Govindarajan @ Rajan came to her house and caused threat to her and her family members. She also alleges sexual torture and harassment to her teenage daughter. Contrarily, Mr.Govindarajan @ Rajan alleges that he went to the house of Sowmiya along with his pregnant wife to collect his fees and to complaint about the conduct of Sowmiya to her father.

9. From both the complaints and the statements of the independent witnesses recorded under Section 161 Cr.P.C in both these cases, it could be seen that, the incident had happened at the resident of Sowmiya. If the real dispute is in connection with Professional Service, it is not necessary for a



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Professional to go with his family members to his clients house for collecting the Professional fees or to complaint about her conduct to her family members.

Mr.Govindarajan and his family members have gone to the house of Sowmiya certainly not to collect fees, but for some other reason. The reading of the complaint given by Sowmiya and the statements of the witnesses recorded in her case, partially discloses the reason.

10. It is certain that either side had disclosed the real reason for the dispute between them. The parties alone know the truth. Apparently, the allegations to attract offences under the SC/ST Act is an exaggerated one invented by Mr.Govindarajan who is a Lawyer. Just to protect himself from being termed as aggressor, such an allegation is made. Even if it is to be presumed to be true, from the statements of witnesses and the complaints of Mr.Govindarajan and Sowmiya, we find that it was he and his wife and others had gone to the house of Sowmiya and picked quarrel with her and her family members. They have also caused physical injuries to her, her sister and her father. They have damaged the properties and invited abusive words by provoking them.



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11. In the light of these material evidence which are at anvil to be tested in the trial, the parties have come to sense and decided not to pursue their exaggerated/falsehood by continuing the trial. The petitions filed to quash the case for the reasons extracted above.

12. In the given facts and circumstances, this Court is of the view that it is appropriate in the interest of justice and judicial system to quash both the cases, so that parties may not adopt a dubious method of turning hostile on oath and make mockery of justice delivery system.

13. As a result, Crl.O.P No.6986 of 2024 and Crl.O.P No.8184 of 2024 are allowed. The Spl.S.C.No.144/2023 on the file of Principal Judge, City Civil Court, Chennai and C.C.No.3418/2023 on the file of XIII Metropolitan Magistrate, Egmore stands quashed.

10.04.2024

Index :Yes/No.
Internet :Yes/No.
Speaking Order/Non-speaking order
bsm



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Copy to:

1. The XIII Metropolitan Magistrate, Egmore.
2. The Assistant Commissioner of Police,
Thirumanagalam Police Station,
Chennai – 600 101.
3. The Sub Inspector of Police,
Thirumanagalam Police Station,
Chennai – 600 101.
4. The Public Prosecutor, High Court, Madras.



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DR.G.JAYACHANDRAN, J.

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Pre-delivery common order made in
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