

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

Crl.MC.No. 1802 of 2015 ()

**AGAINST THE JUDGMENT IN C.C.NO.403/2012 of JUDICIAL FIRST CLASS MAGISTRATE
COURT-II,TRIVANDRUM
CRIME NO.1149/2011 OF FORT POLICE STATION, THIRUVANANTHAPURAM**

PETITIONER(S)/ACCUSED:

**VEERENDRA SINGH, AGED 37 YEARS,
S/O. BAHULEYAN, KALPANA VEEDU, T.C 42/1395(1),
PRA-20, PUTHEN PAALAM, MUTTATHARA VILLAGE,
THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.G.SUDHEER

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. NISHA, AGED 32 YRS,
D/O. LEENA, T.C 30/1727 CD, CRA -208,
CHAYAKUDI RESIDENCE ASSOCIATION, CHAYAKUDI ROAD,
PETTAH, VANCHIYOOR VILLAGE,
THIRUVANANTHAPURAM TALUK - 695 001.**

**R2 BY ADV. SRI.S.K.VINOD
R1 BY PUBLIC PROSECUTOR SMT.MADHUBEN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 29-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.M.C.No. 1802of 2015 ()

APPENDIX

PETITIONER'S ANNEXURES

- ANNEXURE A - COPY OF THE FINAL REPORT PENDING BEFORE JFMC-1,
THIRUVANANTHAPURAM AS CC 403/12.
ANNEXURE B - COPY OF AFFIDAVIT SWORN IN BY THE 2ND RESPONDENT
BEFORE NOTARY PUBLIC.

RESPONDENT'S ANNEXURES

NIL

//True Copy//

P.A. To Judge

Bb

RAJA VIJAYARAGHAVAN V, J.

Crl.M.C.No.1802 of 2015

Dated this the 29th day of June, 2015

O R D E R

This is a petition filed under Section 482 of Code of Criminal Procedure.

2. The petitioner herein is the accused in C.C.No.403/2012 on the file of the Judicial First Class Magistrate Court - II, Thiruvananthapuram. He is charged with having committed offence under Section 498(A) of the Indian Penal Code.

3. The prayer in this Criminal Miscellaneous Case is to exercise the extraordinary inherent powers of this Court under Section 482 of the Code of Criminal Procedure and to quash the pending criminal proceedings. The respondent No.2 in this Case is the wife of the petitioner herein. It is submitted that the matter has been settled by the parties *inter se*.

4. The second respondent has entered appearance through her counsel. She has filed an affidavit asserting that the matter has been settled and that the petitioner as well as the

second respondent are residing together. She has asserted that she does not wish that the criminal proceedings against the petitioner should continue.

5. I have heard the learned counsel for the petitioner, the learned counsel for the second respondent and also the learned Public Prosecutor.

6. The learned counsel for the second respondent has submitted that the assertions in the affidavit filed by the 2nd respondent are true.

7. I have anxiously gone through the relevant records and also the affidavit filed by the de facto complainant. I am convinced that the offence alleged are entirely personal in nature and, therefore, do not affect public peace or tranquility. It has been held by the Apex Court, that the high court, while exercising powers under Section 482 will be justified in quashing cases involving even non-compoundable offence if the disputes are really private in nature and no public interests are involved provided that the offenses are not of the gravely objectionable variety. I am convinced that the extraordinary powers under Section 482 can be invoked as the case falls within the matrix of

guidelines laid down by the Apex Court in **Gian Singh v. State of Punjab (2012 (4) KLT 108)** and in **Narinder Singh and others v. State of Punjab** reported in **(2014) 6 SCC 466** and other cases. It is also felt that quashing of the instant proceedings would bring about peace and secure ends of justice. No purpose will be served in subjecting the parties to the ordeal of a protracted trial in view of the settlement. It will only enure to waste valuable judicial hours.

8. I am therefore of the view that the criminal proceedings pending as against the petitioner can be quashed by invoking the inherent powers of this Court under Section 482 of the Code of Criminal Procedure.

In the result, this Criminal Miscellaneous Case is allowed, and all further proceedings in C.C.No.403/2012 on the file of the Judicial First Class Magistrate Court - II, Thiruvananthapuram are quashed.

Sd/-

**RAJA VIJAYARAGHAVAN V,
JUDGE.**

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[True copy]

P.A to Judge