

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937

CrI.MC.No. 1565 of 2013

-----  
CC 3019/2012 of J.M.F.C., KODUNGALLUR  
CRIME NO. 1231/2012 OF MATHILAKOM POLICE STATION,

PETITIONER(S)/PETITIONERS/ACCUSED NOS.1 TO 3:  
-----

1. MANIKANDAN  
S/O. PADMANABHAN, ERAYIL HOUSE, PATHAZHAKKAD  
SREE NARAYANA PURAM, KODUNGALLUR, THRISSUR DISTRICT.

2. PADMANABHAN  
ERAYIL HOUSE, PATHAZHAKKAD, SREE NARAYANA PURAM  
KODUNGALLUR, THRISSUR DISTRICT.

3. VALSALA  
W/O. PADMANABHAN, ERAYIL HOUSE, PATHAZHAKKAD  
SREE NARAYANA PURAM, KODUNGALLUR, THRISSUR DISTRICT.

BY ADV. SRI.T.B.HOOD

RESPONDENT(S)/RESPONDENTS/STATE & DEFACTO COMPLAINANT :  
-----

1. STATE OF KERALA  
REPRESENTED BY THE SUB INSPECTOR OF POLICE  
MATHILAKAM POLICE STATION, THRISSUR DISTRICT-680 685  
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA  
KOCHI-682 031.

2. DIVYA  
D/O. LOHITHAKSHAN, VAZHAPPULLI HOUSE, ALA DESOM  
KOTHAPARAMBA P.O., KODUNGALLUR  
THRISSUR DISTRICT-680 668.

PUBLIC PROSECUTOR SMT. LISHA M.G.  
BY SRI.M.B.PRAJITH  
BY SRI.AJIT THOMAS  
BY SRI.SURAJ.S

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 01-  
07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CrI.MC.No. 1565 of 2013 ()  
-----

APPENDIX

PETITIONER(S)' EXHIBITS  
-----

ANNEXURE AI : COPY OF THE COMPLAINT FILED BY THE 2ND RESPONDENT  
BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, KODUNGALLUR.

ANNEXURE AII: COPY OF THE FIRST INFORMATION REPORT IN CRIME  
NO.1231/2012 OF MATHILAKAM POLICE STATION.

ANNEXURE AIII: COPY OF THE FINAL REPORT IN CC NO.3019/2012 ON THE  
FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, KODUNGALLUR.

ANNEXURE AIV: COPY OF THE STATEMENT GIVEN BY THE 2ND RESPONDENT TO  
MATHILAKAM POLICE IN CRIME NO.1231/2012.

//True Copy//

P.S.To Judge

**RAJA VIJAYARAGHAVAN.V. J**

-----  
Crl.M.C. 1565 of 2013  
-----

Dated 1<sup>st</sup> July, 2015  
-----

**ORDER**

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

2. The petitioners are accused Nos.1 to 3 in C.C.No.3019 of 1012 of the Judicial First Class Magistrate Court, Kodungallur. They are charged for having committed offence punishable under S 498A r/w Section 34 of the IPC.

3. The prayer in this Criminal Miscellaneous case is to invoke the extra ordinary powers of this Court to quash the final report. The 2<sup>nd</sup> respondent is the wife of the 1<sup>st</sup> petitioner and It is submitted that the matter has been settled between the parties inter se.

4. I have heard the learned counsel for the

petitioners, learned counsel appearing for the 2<sup>nd</sup> respondent and the learned Public Prosecutor.

5. It is pointed out that O.P.No.165 of 2014 was filed by the 1<sup>st</sup> petitioner and the 2<sup>nd</sup> respondent under Section 13B of the Hindu Marriage Act seeking dissolution of marriage by mutual consent and as per order dated 27.3.2015, the learned Family Court was pleased to pass a decree dissolving the marriage on 7.2.2010.

6. I have anxiously gone through the relevant records and also the affidavit filed by the de facto complainant. The learned counsel for the 2<sup>nd</sup> respondent has submitted that the assertions in the affidavit filed by the 2<sup>nd</sup> respondent are true. I am convinced that the offence 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 S. 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 S 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 Narinder Singh and others v. State of Punjab and anr. reported in (2014) 6 SCC 466)** and other cases.

7. It is also felt that quashing of the instant proceeding 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. 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 S 482 of the Code of Criminal Procedure.

8. In the result, this Crl.M.C is allowed. All further proceedings in C.C. No. 3019 of 2012 on the file of the Judicial First Class Magistrate's Court, Kodungallur are quashed.

Sd/-  
**RAJA VIJAYARAGHAVAN.V.**  
**Judge**

MrCs

//True Copy//