

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. 2930 of 2015

CRIME NO. 303/2015 OF ERATTUPETTAH POLICE STATION.
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PETITIONER(S)/ACCUSED:

1. BENNY THOMAS, S/O.LATE THOMAS,
THEKKEVAYALIL HOUSE, VAZHEKKADU,
CHENNADU P.O., KOTTAYAM DISTRICT- 686581.
2. ANNAMMA THOMAS, W/O.LATE THOMAS,
THEKKEVAYALIL HOUSE, VAZHEKKADU,
CHENNADU P.O., KOTTAYAM DISTRICT - 686581.
3. BABU THOMAS, S/O.LATE THOMAS,
THEKKEVAYALIL HOUSE, VAZHEKKADU,
CHENNADU P.O., KOTTAYAM DISTRICT - 686581.

BY ADVS.SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE
SMT.ACHU SUBHA ABRAHAM
SMT.K.R.MONISHA

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
REPRESENTING THE STATION HOUSE OFFICER,
ERATTUPETTA POLICE STATION, ERATTUPETTA - 686121.
2. SANITHA, W/O.BENNY THOMAS,
THEKKEVAYALIL HOUSE, VAZHEKKADU,
CHENNADU P.O., KOTTAYAM DISTRICT - 686581.

R1 BY PUBLIC PROSECUTOR SMT.MADHUBEN
R2 BY ADV. SMT.VINEETHA V.KUMAR

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

mbr/

APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEXURE-A1:** TRUE COPY OF FIR IN CRIME NO.303/2015 OF ERATTUPETTA
POLICE STATION DATED 18.03.2015.
- ANNEXURE-A2:** TRUE COPY OF THE PETITION FILED BY THE PETITIONER AND
THE 2ND RESPONDENT IN M.C.NO.6/2015 OF THE JUDICIAL
FIRST CLASS MAGISTRATE'S COURT, ERATTUPETTA
DATED 09.04.2015.
- ANNEXURE-A3:** TRUE COPY OF THE ORDER PASSED BY THE JUDICIAL FIRST
CLASS MAGISTRATE'S COURT, ERATTUPETTA IN
M.C.(D.V) NO.6/2015 DATED 09.04.2015.

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

RAJA VIJAYARAGHAVAN.V. J

Crl.M.C. 2930 of 2015

Dated 29th June, 2015

ORDER

- 1.This petition is filed under Section 482 of the Code of Criminal Procedure.
- 2.The petitioners herein are accused Nos.1 to 3 in Crime No.303 of 2015 of Erattupetta police station. The crime has been registered against them under Section 498A r/w Section 34 of the Indian Penal Code.
- 3.The prayer in this Criminal Miscellaneous Case is to quash the FIR in the said crime and also the proceedings pursuant thereto. The 2nd respondent is the wife of the 1st petitioner and the petitioners 2 and 3 are the mother and brother of the 1st petitioner. The 2nd respondent-wife has entered appearance through counsel. She has submitted that proceedings under the Protection of Women from Domestic Violence Act, 2005, was pending as M.C. (D.V) 6 / 2015 before the

JFMC, Erattupetta and based on the settlement recorded in the case, all financial matters were settled and she has also submitted that she does not want to continue with the proceedings. Based on the undertaking filed by the 2nd respondent, order was passed in MC(D V) 6 of 2015 on 9.4.2015. The said order is produced as Annexure A 3, and it is seen recorded that the matter has been settled and the application was dismissed.

4.I have heard the learned counsel for the petitioners and also the learned counsel appearing for the 2nd respondent.

5.I have anxiously gone through the relevant records and also the affidavit filed by the defacto complainant.I am convinced that the offences 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 offences 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 .

6.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. I am therefore of the view that the criminal proceedings pending as against the petitioners can be quashed by invoking the inherent powers of this Court under S. 482

of the Code of Criminal Procedure.

7. In the result, this Crl.M.C. is allowed, and Annexure-A1 FIR in Crime No.303 of 2015 of Erattupetta police station, on the files of the Judicial First Class Magistrate Court, Erattupetta, is hereby quashed.

Sd/-
RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

//True Copy//

P.S.ToJudge