

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. 2938 of 2015 ()

**C.P.NO.63/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT-II,PATHANAMTHITTA
CRIME NO. 746/2013 OF KOIPURAM POLICE STATION , PATHANAMTITTA**

PETITIONER(S)/ACCUSED:

**G.GOPAKUMAR @ BIBIN, AGED 21 YEARS,
S/O.K.K.GOPALAN, RESIDING AT OLIKKAL HOUSE,
VENNIKULAM, PURAMATTAM VILLAGE,
PATHANAMTHITTA DISTRICT.**

BY ADV. SRI.T.MADHU

RESPONDENT(S)/STATE:

- 1. THE STATE OF KERALA
THROUGH THE STATION HOUSE OFFICER,
KOIPURAM POLICE STATION, PATHANAMTHITTA DISTRICT
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. ANSU ANN ANAND, AGED 18 YEARS,
D/O.ANAND MATHEW, RESIDING AT ANN'S HOME, VENNIKULAM,
VENNIKULAM P.O., PATHANAMTHITTA DISTRICT.**
- 3. SUNI, AGED 42 YEARS
W/O.ANANDAN, RESIDING AT ANN'S HOME, VENNIKULAM,
VENNIKULAM P.O., PATHANAMTHITTA DISTRICT.**
- 4. ANANDAN, AGED 48 YEARS
S/O.KOCHU CHERUKKAN, RESIDING AT ANN'S HOME,
VENNIKULAM, VENNIKULAM P.O., PATHANAMTHITTA DISTRICT.**

**R2-4 BY ADV. SRI.ROY THOMAS (PATHANAMTHITTA)
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.MC.No. 2938 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE-A1: THE TRUE CERTIFIED COPY OF THE FIR IN CRIME NO.746/2013 OF
KOIPURAM POLICE STATION.**

**ANNEXURE-A2: THE TRUE CERTIFIED COPY OF THE FINAL REPORT IN CRIME
NO.746/2013 OF KOIPURAM POLICE STATION.**

ANNEXURE-A3: THE AFFIDAVIT DATED 5.3.2015 SWORN IN BY THE 2ND RESPONDENT.

ANNEXURE-A4: THE AFFIDAVIT DATED 5.3.2015 SWORN IN BY THE 3RD RESPONDENT.

ANNEXURE-A5: THE AFFIDAVIT DATED 5.3.2015 SWORN IN BY THE 4TH RESPONDENT.

**ANNEXURE-A6: THE TRUE COPY OF THE NOTICE OF THE INDENTED MARRIAGE DATED
9.3.2015.**

RESPONDENT(S)' EXHIBITS

NIL

//True Copy//

P.A. To Judge

Bb

RAJA VIJAYARAGHAVAN V, J.

Crl.M.C.No.2938 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 sole accused in C.P.No.63/2013 on the file of the Judicial First Class Magistrate Court - II, Pathanamthitta. He is charged with having committed the offence punishable under Section 363 of the Indian Penal Code.

3. The prayer in this Criminal Miscellaneous Case is to quash all further proceedings pursuant to Crime.No.746/2013 of Koipuram Police Station now pending as C.P.No.63/2013 on the file of the Judicial First Class Magistrate Court - II, Pathanamthitta. The respondent No.2 is the prospective wife of the petitioner herein and respondent No.3 and 4 are the mother and father respectively of the second respondent. It is submitted that the matter has been settled between the parties.

4. The respondent Nos.2 to 4 have entered appearance

through counsel. The respondents have filed separate affidavits before this court swearing that the matter has been settled and that they do not wish that the criminal proceedings against the petitioner should continue. The third respondent is the first informant and she has also filed an affidavit asserting the said fact.

5. I have heard the learned counsel for the petitioner, the learned counsel for the respondents 2 to 4 and also the learned Public Prosecutor.

6. The learned counsel for the respondent Nos. 2 to 4 has submitted that the assertions in the affidavits filed by the respondent Nos.2 to 4 are true. It is pointed out by the learned counsel appearing for the respondents 2 to 4 that the respondent No.2 and the petitioner have already issued notice of intended marriage under Section 5 of the Special Marriage Act, 1954. This fact is asserted in the affidavit filed as well and the notice under Section 5 has been produced.

7. I have anxiously gone through the relevant records and also the affidavits filed by the respondents. 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 the Final Report and all further proceedings in C.P.No.63/2013 on the file of the Judicial First Class Magistrate Court - II, Pathanamthitta in the said case are quashed.

Sd/-
**RAJA VIJAYARAGHAVAN V,
JUDGE.**

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[True copy]

P.A to Judge