

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937201

Crl.MC.No. 3450 of 2015 ()

**AGAINST THE JUDGMENT IN C.C.NO.1898/2014 of JUDICIAL FIRST CLASS MAGISTRATE
COURT-II, HOSDURG**

PETITIONER(S)/ACCUSED:

- 1. SADIQUE C, AGED 33 YEARS
S/O.MOHAMMED, R/AT MANTHOT HOUSE, BANGALAM
MADIKAI VILLAGE, KASARAGOD DISTRICT.**
- 2. SARA, AGED 52 YEARS
W/O.MUHAMMED, R/AT MANTHOT HOUSE, BANGALAM
MADIKAI VILLAGE, KASARAGOD DISTRICT.**
- 3. MUHAMMED, AGED 60 YEARS
R/AT MANTHOT HOUSE, BANGALAM, MADIKAI VILLAGE
KASARAGOD DISTRICT.**

**BY ADVS.SRI.RAHUL SASI
SMT.NEETHU PREM**

RESPONDENT(S)/COMPLAINANT:

- 1. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM. PIN-682 031.**
- 2. RASHEEDA P.V, AGED 28 YEARS
D/O.SOUDA P.V., R/AT RASHEEDA HOUSE, VAININGAL
BANGALAM, KASARAGOD DISTRICT. PIN-671 001.**

**R2 BY ADV. SRI.NIRMAL V NAIR
R1 BY PUBLIC PROSECUTOR SMT.SEENA RAMAKRISHNAN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 3450 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1-	A TRUE COPY OF THE FIR IN CC NO.1898/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II.
ANNEXURE A2-	A TRUE COPY OF THE CHARGE SHEET IN C.C.NO.1898/2014 ON FILES OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II, HOSDURG.
ANNEXURE A3-	AFFIDAVIT DATED 14.05.2015 SUBMITTED BY 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS

NIL

//True Copy//

P.A. To Judge

Bb

RAJA VIJAYARAGHAVAN V, J.

Crl.M.C.No.3450 of 2015

Dated this the 26th day of June, 2015

O R D E R

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

2. The petitioners herein are the accused Nos.1 to 3 in C.C.No.1898/2014 on the file of the Judicial First Class Magistrate Court - II, Hosdurg. They are charged with having committed the offence punishable under Section 498(A) of the Indian Penal Code.

3. The prayer in this Criminal Miscellaneous Case is to quash Annexure A2 charge sheet in C.C.No.1898/2014 on the file of the said court. The second respondent is the wife of the first petitioner and the petitioners 2 and 3 are the parents of the first petitioner. It is submitted that the matter has been settled between the parties *inter se* and that the first petitioner and the second respondent are residing together.

4. The second respondent has entered appearance through her counsel. She has also filed an affidavit asserting that

the matter has been settled and that she does not wish that the criminal proceedings as against the petitioners shall continue any further.

5. Heard the learned counsel for the petitioners, 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 second respondent are true. The learned Public Prosecutor, on instructions, also submitted that the first petitioner and the second respondent are residing together.

7. 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 Section 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

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 petitioners can be quashed by invoking the inherent powers of this Court under Section 482 of the Code of Criminal Procedure.

In the result, this Crl.M.C. is allowed, and Annexure-A2 charge sheet in C.C.No.1898/2014 of the Judicial First Class Magistrate Court - II, Hosdurg and all further proceedings in the said case are quashed.

Sd/-
RAJA VIJAYARAGHAVAN V, JUDGE.

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[True copy]

P.A to Judge