

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. 3457 of 2015 ()

**L.P.NO. 56/2008 of JUDICIAL FIRST CLASS MAGISTRATE COURT-II, KOTTARAKARA
CRIME NO. 371/2005 OF CHADAYAMANAGALAM POLICE STATION, KOLLAM**

PETITIONER(S)/ACCUSED:

**RADHAKRISHNA PILLAI, AGED 52 YEARS
S/O.BHASKARAN PILLAI, RADHA MANDIRAM, AYUR (P.O.)
EDAMULAKKAL VILLAGE, PATHANAPURAM THALUK
KOLLAM DISTRICT.**

BY ADV. SRI.P.V.DILEEP

RESPONDENT(S)/STATE & COMPLAINANT:

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. THE SUB INSPECTOR OF POLICE,
CHADAYAMANGALAM POLICE STATION, KOLLAM DISTRICT.**
- 3. GEETHAKUMARI, AGED 41 YEARS
D/O.SASIDHARAN PILLAI, GEETHAVILASAM, KEEZHATTOOR MURI
AYUR (P.O.), EDAMULAKKAL VILLAGE
NOW RESIDING AT GEETHAVILASAM, POLIKKODU MURI
VAYAKKAL (P.O.), KOTTARAKARA THALUK, KOLLAM DISTRICT.**

R1 & R2 BY PUBLIC PROSECUTOR SRI.GITHESH

**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. 3457 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1 : A TRUE COPY OF THE FIR IN CRIME NO.371/2005 OF
CHADAYAMANGALAM POLICE STATION.**

**ANNEXURE A2 : A TRUE COPY OF THE FINAL REPORT IN CRIME NO.371/2005 OF
CHADAYAMANGALAM POLICE STATION.**

ANNEXURE A3 : AFFIDAVIT OF THE 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS

NIL

//True Copy//

P.A. To Judge

Bb

RAJA VIJAYARAGHAVAN V, J.

Crl.M.C.No.3457 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 petitioner herein is the accused in Crime No.371/2005 of Chadayamangalam Police Station. The said case has been charge sheeted under Sections 406 and 498(A) of Indian Penal Code and owing to the non appearance of the petitioner, the case has been included in the long pending list and is now pending as L.P.No.56/2008 in the file of the Judicial First Class Magistrate Court - II, Kottarakara.

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 third respondent is the wife of the petitioner. It is submitted that the matter has been settled between the parties.

4. The third respondent has entered appearance through

counsel. She has also filed an affidavit before the court asserting that the matter has been settled and a decree of divorce has been passed by the learned Family Court, Kottarakara. According to her, 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 third respondent and also the learned Public Prosecutor.

6. The learned counsel for the third respondent - wife has submitted that the assertions in the affidavit filed by the 3rd respondent are true.

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 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 Crl.M.C. is allowed, and Annexure-A2 final report in L.P.No.56/2008 of Judicial First Class Magistrate Court - II, Kottarakara and all further proceedings in the said case are hereby quashed.

Sd/-
RAJA VIJAYARAGHAVAN V, JUDGE.

Bb

[True copy]

P.A to Judge