

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. 3659 of 2015 ()

**AGAINST THE JUDGMENT IN C.C.NO.15/2015 of JUDICIAL FIRST CLASS MAGISTRATE
COURT, VATAKARA
CRIME NO. 922/2014 OF VATAKARA POLICE STATION, KOZHIKODE**

PETITIONER(S)/ACCUSED IN CRIME NO.922/2014 OF VATAKARA POLICE STATION.:

- 1. HAREENDRAN, AGED 38 YEARS
S/O CHATHU, VATHUKOYILOTH, THAZHAKUNI HOUSE
MUTHUVADATHOOR P.O., VATAKARA TALUK.**
- 2. JANU
W/O CHATHU, VATHUKOYILOTH, THAZHAKUNI HOUSE
MUTHUVADATHOOR P.O., VATAKARA TALUK.**
- 3. SASI
S/O CHATHU, VATHUKOYILOTH, THAZHAKUNI HOUSE
MUTHUVADATHOOR P.O., VATAKARA TALUK.**
- 4. SANTHA
W/O SASI, VATHUKOYILOTH, THAZHAKUNI HOUSE
MUTHUVADATHOOR P.O., VATAKARA TALUK.**
- 5. SOBHA
W/O RAJEEVAN, VATHUKOYILOTH, THAZHAKUNI HOUSE
MUTHUVADATHOOR P.O., VATAKARA TALUK.**

**BY ADVS.SRI.C.UNNIKRISHNAN (KOLLAM)
SRI.M.R.SUDHEENDRAN**

RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT:

- 1. STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE
VATAKARA POLICE STATION, KOZHIKODE RURAL - 678 001**
- 2. NIDHISHA, AGED 29 YEARS
D/O DAMODARAN, KULANGARA MADATHIL HOUSE
PONMERI PARAMBIL P.O., VATAKARA -678 001**

**R2 BY ADV. SMT.P.K.BNDU
R1 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. 3659 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1: CERTIFIED TRUE COPY OF THE FIR NO.922/14 OF VATAKARA POLICE STATION.

ANNEXURE A2: CERTIFIED COPY OF THE FINAL REPORT/CHARGE NO.922/2014 OF VATAKARA POLICE STATION.

RESPONDENT(S)' EXHIBITS

NIL

//True Copy//

P.A. To Judge

Bb

RAJA VIJAYARAGHAVAN V, J.

Crl.M.C.No.3659 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 5 in C.C.No.15/2015 on the file of the Judicial First Class Magistrate Court, Vatakara. They are charged with having committed offence punishable under Sections 498(A) and 408 of Indian Penal Code.

3. The prayer in this Criminal Miscellaneous case is to exercise the extraordinary inherent powers of this Court under S 482 of the Code and to quash the pending criminal proceedings.

4. The second respondent in this case is the wife of the first petitioner. Petitioners 2 to 5 are the near relatives of the first petitioner. It is submitted that the matter has been settled by the parties *inter se*.

5. The second respondent has entered appearance through her counsel. She has filed an affidavit swearing that the

matter has been settled and she does not wish to pursue the criminal proceedings as against the petitioners. She has also submitted that the petition for divorce had been filed before the Family Court, Vatakara as O.P.No.542/2014 and the same has been allowed.

6. I have heard the learned counsel for the petitioners, the learned counsel for the second respondent and also the learned Public Prosecutor.

7. The learned counsel for the second respondent has submitted that the assertions in the affidavit filed by the second respondent are true.

8. 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.

9. 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-A1 First Information Report and Annexure A2 final report in C.C. No.15/2015 in the files of Judicial First Class Magistrate Court, Vatakara and all further proceedings in the said case are hereby quashed.

Sd/-

RAJA VIJAYARAGHAVAN V, JUDGE.

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[True copy]

P.A to Judge