

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. 3677 of 2015 ()

**AGAINST THE JUDGMENT IN C.C.NO.1036/2014 of JUDICIAL FIRST CLASS MAGISTRATE
COURT-II, PERINTHALMANNA
CRIME NO. 548/2014 OF PANDIKKAD POLICE STATION, MALAPPURAM**

PETITIONER(S)/ACCUSED:

**V.P.UMMER
S/O.ABOOBACKER, VATTIPARAMBIL HOUSE, VALLIKKAPARAMBU
PANDIKKAD, ERNAD TALUK, MALAPPURAM.**

BY ADV. SRI.SAJU.S.A

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT:

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, COCHIN-31.**
- 2. BALKEES
D/O.VEERANKUTTY
THANDUPARAKKAL PUTHENPEEDIYEKKAL HOUSE
MARAKKULAMKUNNU, WANDOOOR PO, NILAMBUR TALUK
MALAPPURAM-676 121.**

**R2 BY ADV. SRI.VINOD RAVINDRANATH
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. 3677 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE 1 : TRUE COPY OF FIR IN CRIME NO.548/14 OF PANDIKKAD POLICE STATION
DATED 21-9-2014.**

**ANNEXURE 2 : TRUE COPY OF THE CHARGE SHEET SUBMITTED BY PANDIKKAD POLICE
IN CRIME NO.548/2014 DATED 31-10-2014.**

**ANNEXURE 3 : TRUE COPY OF AFFIDAVIT SWORN BY THE 2ND RESPONDENT DATED
4-5-2015.**

RESPONDENT(S)' EXHIBITS

NIL

//True Copy//

P.A. To Judge

Bb

RAJA VIJAYARAGHAVAN V, J.

CrI.M.C.No.3677 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 C.C.No.1036/2014 on the file of the Judicial First Class Magistrate Court - II, Perinthalmanna. He is charged with having committed offence punishable under Sections 406 & 498(A) of Indian Penal Code.

3. The prayer in this Criminal Miscellaneous Case is to exercise the extraordinary powers of this court under Section 482 of the Code of Criminal Procedure and to quash the proceedings in C.C.No.1036/2014.

4. The second respondent is the wife of the petitioner. It is submitted that the matter has been settled by the parties *inter se*. The second respondent has entered appearance through her counsel. She has also filed an affidavit swearing that the matter has been settled and that she does not wish that the

criminal proceedings against the petitioner shall continue.

5. I have heard the learned counsel for the petitioner, 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 2nd 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 offences 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 all further proceedings in C.C.No.1036/2014 on the file of the Judicial First Class Magistrate Court - II, Perinthalmanna are hereby quashed.

Sd/-

RAJA VIJAYARAGHAVAN V, JUDGE.

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[True copy]

P.A to Judge