

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

CrI.MC.No. 3687 of 2015

C.C.NO.5502/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT,
CHALAKUDY

CRIME NO. 940/2014 OF VELLIKULANGARA POLICE STATION.

PETITIONER(S)/ACCUSED:

RENJITH.A.R, AGED 35 YEARS, S/O RAMAKRISHNAN,
AKKATT HOUSE, KODALY, MATTATHUR VILLAGE,
CHALAKKUDY TALUK, THRISSUR (DIST).

BY ADV. SRI.M.J.POLLY

RESPONDENT(S)/STATE/DE FACTO COMPLAINANT:

1.STATE OF KERALA, REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA

2. SUB INSPECTOR OF POLICE, VELLIKULANGARA,
VELLIKULANGARA POLICE STATION-680001,
THRISSUR DIST.

3. SUJA K.B., AGED 30 YEARS,
D/O BAHULAYAN,KALLINGAPPURAM HOUSE,
MUNNUMURI DESOM, MATTATHUR VILLAGE, CHALAKKUDY TALUK,
THRISSUR DIST-680001

R3 BY SMT.BINEETHA JOY

R1 & R2 BY PUBLIC PROSECUTOR SMT. LISHA M.G.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
29-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CrI.MC.No. 3687 of 2015

APPENDIX

PETITIONER'S ANNEXURES

- A1- AFFIDAVIT OF THE DE FACTO COMPLAINANT; MATTER SETTLED BETWEEN PARTIES, DE FACTO COMPLAINANT AND PETITIONER IN THE CASE OF C.C.NO.5502 OF 2014 OF COURT, CHALAKKUDY FILED BY THE DE FACTO COMPLAINANT.
- A2- SUMMONS RECEIVED FROM THE JFCM COURT, CHALAKKUDY IN C.C.NO.5502 OF 2014 CASE AGAINST THE PETITIONER
- A3- CHARGE SHEET AND WITNESS LIST OF THE CASE NO.C.C.5502 OF 2014 OF JFCM COURT, CHALAKKUDY.

RESPONDENTS' ANNEXURES

NIL

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P.S.To Judge

Mrcs

RAJA VIJAYARAGHAVAN.V. J

Crl.M.C. 3687 of 2015

Dated 29th June, 2015

ORDER

1. This is a petition filed under Section 482 of the Code of Criminal Procedure.
2. The petitioner is the accused in C.C.5502 of 2014 on the files of the Judicial First Class Magistrate Court, Chalakkudy. He has been charged for having committed offence punishable under Sections 341, 448, 323, 324, 294 (b), 427 and 354 of the IPC.
3. The prayer in this Criminal Miscellaneous Case is to exercise the extraordinary inherent powers of this Court under S. 482 of the Code of Criminal Procedure and to quash the pending criminal proceedings. The 3rd respondent is the wife of the petitioner herein. It is submitted that the matter has been settled between

the parties. The 3rd respondent has entered appearance through counsel. She has also filed an affidavit swearing that the matter has been settled and that she does not wish that the criminal proceedings as against the petitioner should continue.

4.I have heard the learned counsel for the petitioner and the learned counsel for the 3rd respondent and also the learned Public Prosecutor.

5.I have anxiously gone through the relevant records and also the affidavit filed by the de facto complainant. The learned counsel for the 3rd respondent has submitted that the assertions in the affidavit filed by the 3rd respondent are true. I am convinced that the offence 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 S. 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 S 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 Narinder Singh and others v. State of Punjab and anr. reported in (2014) 6 SCC 466** and other cases.

6.It is also felt that quashing of the instant proceeding 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. 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 S 482 of the Code of Criminal Procedure.

7.In the result, this Crl.M.C is allowed. All further proceedings in C.C. No.5502 of 2014 on the files of the Judicial First Class Magistrate Court, Chalakudy, is hereby quashed.

Sd/-

RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

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