

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

FRIDAY, THE 17TH DAY OF JULY 2015/26TH ASHADHA, 1937

CrI.MC.No. 4473 of 2015

CRIME NO. 109/2015 OF BEYPORE POLICE STATION , KOZHIKODE

PETITIONER(S)/ACCUSED NO.1 TO 4:

1. JIDESH.P. AGED 30 YEARS
S/O.JAYAPALAN.P., "PINPURATH HOUSE", CHALIYAM P.O.
KOZHIKODE-673301.

2. P.JAYAPALAN AGED 62 YEARS
S/O.LATE APPU, "PINPURATH HOUSE", CHALIYAM P.O.
KOZHIKODE-673301.

3. DEVIKA.T. AGED 50 YEARS
W/O.JAYAPALAN.P., "PINPURATH HOUSE", CHALIYAM P.O.
KOZHIKODE-673301.

4. JINCY.P. AGED 25 YEARS
W/O.SUBIN, "SURABHI", VENNIKULAM
THIRUVALLA, PATHANAMTHITTA-689544.

BY ADVS.SRI.R.SUDHISH
SRI.P.B.SAJITH
SMT.M.MANJU
SMT.E.SILPA

RESPONDENT(S)/COMPLAINANT:

1. DISHNA.T.K, AGED 25 YEARS
D/O.DINESHAN, "THACHANA KIZHAKUMMURI P.O.
KOZHIKODE-673511.

2. STATE, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY ADV. SRI.T.K.AJITH KUMAR
BY PUBLIC PROSECUTOR SRI. DHANESH MATHEW MANJOORAN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
17-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 4473 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEUXRE-A1: CERTIFIED COPY OF THE FIRST INFORMATION REPORT IN
CRIME NO.109 OF 2015 OF BEYPORE STATION DATED 15.2.2015.

ANNEUXRE-A2: CERTIFIED COPY OF THE FIRST INFORMATION STATEMENT IN
CRIME NO.109 OF 2015 OF BEYPORE POLICE STATION DATED 15.2.2015.

ANNEUXRE-A3: TRUE COPY OF THE PETITION FILED UNDER SECTION 13 B OF
HINDU MARRIAGE ACT BEFORE THE FAMILY COURT, KOZHIKODE DATED
4.7.2015 AS O.P.NO.605 OF 2015.

ANNEUXRE-A4: AGREEMENT EXECUTED BY THE 1ST PETITIONER AND THE 1ST
RESPONDENT DATED 18.6.2015.

ANNEUXRE-A5: RECEIPT ISSUED BY R1 TO THE 1ST PETITIONER DATED
18.6.2015

TRUE COPY

P.S TO JUDGE

RAJA VIJAYARAGHAVAN.V. J

Crl.M.C.4473 of 2015

Dated 17th July, 2015

ORDER

1. This is a petition filed under Section 482 of the Code of Criminal Procedure, 1973.
2. The petitioners are accused in crime No.109 of 2015 of the Beypore police station, Kozhikkode. The said crime was registered for offense punishable under S. 498 A , 406 r/w S 34 of the I.P.C. at the instance of the 1st respondent who is the wife of the 1st petitioner.
3. The prayer in this petition is to exercise the extraordinary inherent powers of this Court u/s 482 of the Code and to quash the pending criminal proceedings. It is submitted that the matter has been settled by the parties *inter se*. The 1st respondent in this case has entered appearance through counsel. She has submitted that the parties have decided to go separate ways and

for that purpose, O.P.605 of 2015 has been preferred before the Family Court, Kozhikode. She has also produced Annexure-4 which is the agreement executed between the parties detailing the terms of settlement arrived at. The 1st respondent has also filed Annexure-6 affidavit swearing that the matter has been settled and that she does not wish that the criminal proceedings as against the petitioners should continue any further.

4. I have heard the learned counsel for the petitioners, the learned counsel for the 1st respondent and the learned Public Prosecutor.

5 The learned counsel for the 1st respondent has asserted that the statement in the affidavit filed, are true to facts. 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 S 482 of the Code , 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 have anxiously gone through the relevant records and also the affidavit filed by the defacto complainant. 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 in **Narinder Singh and others v. State of Punjab (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. 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 S 482 of the Code of Criminal Procedure.

6. In the result, this Crl.M.C. is allowed. Annexure-1 FIR and all further proceedings in Crime No.109 of 2015 of Beypore police station, Kozhikode are quashed.

SD/-
RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

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