

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. 4491 of 2015

CRIME NO. 415/2015 OF KALPETTA POLICE STATION, WAYANAD

PETITIONER(S)/PETITIONER/ACCUSED:

K.K. RAMACHANDRAN AGED 29,
S/O.BHAVANI, KATTARAYATH HOUSE, PADICHIRA P O
PULPALLY, WAYANAD

BY ADVS.SRI.TONY THOMAS (INCHIPARAMBIL)
SRI.S.NIKHIL SANKAR

RESPONDENTS/DE FACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM

2. THE SUB INSPECTOR OF POLICE
KALPETTA POLICE STATION, WAYANAD DISTRICT

3. ANGEL MARIA MATHEW, AGED 24 YEARS
D/O.MATHEW , KARIKATTKUZHIYIL HOUSE, NADAVAYAL P O
SULTHAN BATHERY, WAYANAD DISTRICT

BY ADV. SRI.P.THOMAS GEEVERGHESE
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. 4491 of 2015

APPENDIX

ANNEXURES

ANNEXURE I:-TRUE COPY OF THE FIR DTD 13/5/2015 IN CRIME NO
0415/2015 OF KALPETTA POLICE STATION

ANNEXURE II:-TRUE COPY OF THE AFFIDAVIT FILED BY THE 3RD
RESPONDENT/DEFACTO COMPLAINANT

TRUE COPY

P.S TO JUDGE

RAJA VIJAYARAGHAVAN.V. J

Crl.M.C. 4491 of 2015

Dated 17th July, 2015

ORDER

1. This petition u/s 482 of the Code of Criminal Procedure, 1973 is preferred by the sole accused in Crime No.415/2015 of Kalpetta police station, Wayanad district. The said case was registered alleging offence punishable under Section 354(A)(1) and 509 of the IPC r/w S.119(a) of the Kerala Police Act.

2. The prayer in this petition is to exercise the inherent powers of this Court and to quash Annexure-I FIR and all further proceedings in the said crime . It is submitted that the parties have settled the disputes inter se..

3. The said crime was registered based on the statement furnished by the 3rd respondent. The 3rd respondent has appeared through counsel and has filed an affidavit asserting that she has settled all the disputes

with the petitioner and that she does not wish that the criminal proceedings against the petitioner should continue any further.

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

5. The learned counsel for the 3rd respondent has asserted that the assertions in the affidavit 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 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 of the Code 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 justifiably quashed .

6. In the result, this Crl.M.C. is allowed. Annexure-I FIR and all further proceedings in Crime No.415 of 2015 of Kalpetta police station, Wayanad, are quashed.

SD/-
RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

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