

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. 4500 of 2015 ()

CRIME NO. 357/2015 OF PIRAVAM POLICE STATION , ERNAKULAM

PETITIONER(S)/ACCUSED NO'S 1 & 2:

1. GEORGE JOHN T, AGED 55
S/O.JOHN T.P, THUKALAN HOUSE, KOOTHATTUKULAM.P.O.
ERNAKULAM DISTRICT, PIN-686 662.

2. SOPHY GEORGE, AGED 51
W/O.GEORGE JOHN, THUKALAN HOUSE, KOOTHATTUKULAM.P.O.
ERNAKULAM DISTRICT, PIN-686 662.

BY ADVS.SRI.N.P.PRAJEESH
SRI.BIJO THOMAS GEORGE

RESPONDENT(S)/STATE & DE-FACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE
PIRAVOM POLICE STATION, ERNAKULAM DISTRICT
BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. SOSAMMA JOHN @ SOSAMMA, AGED 85,
W/O.T.P.JOHN, THUKALAN HOUSE, KOOTHATTUKULAM
NOW RESIDING AT THUKALAN HOUSE, MULAMTHURUTHY
ERNAKULAM DISTRICT.

BY ADV. SRI.JOSE P.JOSEPH
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:

CrI.MC.No. 4500 of 2015

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A- CERTIFIED COPY OF FIR & FIS IN CRIME NO.357/2015 OF
PIRAVAM POLICE STATION, ERNAKULAM DISTRICT.

ANNEXURE B- PHOTOCOPY OF THE COMPROMISE ENTERED INTO BETWEEN
PETITIONERS AND 2ND RESPONDENT

ANNEXURE C- AFFIDAVIT OF DE-FACTO COMPLAINANT/2ND RESPONDENT.

TRUE COPY

P.S TO JUDGE

RAJA VIJAYARAGHAVAN.V. J

Crl.M.C.4500 of 2015

Dated 17th July, 2015

ORDER

1. This petition is filed u/s 482 of the Code of Criminal Procedure, 1973.
2. The petitioners are accused Nos.1 and 2 in crime No.357 of 2015 of Piravom police station. The said case was registered against the petitioners under Sections 406, 420 r/w 34 IPC. The prayer in this petition is to exercise the inherent powers of this Court under Section 482 of the Code and to quash the pending criminal proceedings. It is submitted that the matter has been settled between the parties *inter se*.
3. The 2nd respondent is the mother of the 1st petitioner and the mother-in-law of the 2nd petitioner. The learned counsel for the petitioners has produced Annexure-B which is styled as a memorandum of

agreement u/s 89 of the CPC r/w Rule 24 and 25 of the Kerala Civil Procedure (Mediation) Rules, 2008. It is pointed that the parties were directed to mediate the matter when Bail Application No.2864 of 2015 was filed by the petitioners before this court . Annexure B reveals that the matter between the parties has been settled on mediation. The 2nd respondent has also filed an affidavit asserting that the dispute has been settled amicably between herself and the petitioners and that she does not wish that the criminal proceedings against her son and daughter-in-law should continue any further.

4. I have heard the learned counsel for the petitioners, the learned counsel for the 2nd respondent and also the learned Public Prosecutor.

5. 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 nature. 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-A
FIR in Crime No.357 of 2015 of Piravom police station,
and all further proceedings pursuant thereto are quashed.

SD/-
RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

//True Copy//

P.S.ToJudge