

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. 4504 of 2015

CC 791/2008 of J.M.F.C.- I, OTTAPPALAM
CRIME NO. 482/2008 OF OTTAPALAM POLICE STATION , PALAKKAD

PETITIONER(S):

DR.K.R.LEENA, W/O K. RAMACHANDRAN AGED 43 YEARS,
'RAJEEVAM', PUTHUPARIYARAM, PALAKKAD

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENT(S):

1. K.RAMACHANDRAN, S/O PARUKUTTY AMMA, AGED 47 YEARS,
2. K.BHASKARAN, S/O PARUKUTTY AMMA, AGED 57 YEARS.
3. PADMINI, W/O BHASKARAN, AGED 52 YEARS,
(RESPONDENTS 1 TO 3 ARE RESIDING AT KUZHINIYIL VEEDU,
PALAPPURAM, OTTAPALAM, PALAKKAD-679 101.
4. STATE OF KERALA, REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

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. 4504 of 2015

APPENDIX

ANNEXURES

A1- A TRUE COPY OF THE FINAL REPORT IN C.C.791 OF 2008 OF THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE NO.1 OTTAPPALAM

A2- A TRUE COPY OF THE AFFIDAVIT OF THE PETITIONER/DE FACTO COMPLAINANT

TRUE COPY

P.S TO JUDGE

RAJA VIJAYARAGHAVAN.V. J

Crl.M.C.4504 of 2015

Dated 17th July, 2015

ORDER

1. The de-facto complainant in CC No 791 of 2008 on the files of the Judicial Magistrate of the I Class - I , Ottappalam is before this Court seeking to invoke the inherent powers under Section 482 of the Code of Criminal Procedure and to quash all further proceedings in the said case.

2. The said case arose on the basis of a statement furnished by the petitioner herself against her husband , his brother and wife of brother alleging the commission of offense punishable under S 498 A r/s S 34 of the Indian Penal Code. It is submitted that the charge has been laid and she is not desirous of prosecuting the case any further. The petitioner has also filed an affidavit before this court in which she has stated that the complaint was filed on a misunderstanding and that the pendency of the

criminal prosecution is not conducive for the continued relationship between the parties. It is her case that she is not interested in prosecuting the above case any further and wishes to terminate the prosecution case in its bud.

3. 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 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.

4. In the result, this Crl.M.C. is allowed. All further proceedings in C.C.791 of 2008 on the files of the Judicial Magistrate of First Class-I, Ottappalam are quashed.

Sd/-
RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

//True Copy//

P.S.ToJudge