

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. 4508 of 2015

CP 53/2015 of ADDL.C.J.M., THALASSERY
CRIME NO. 847/2013 OF EDAKKAD POLICE STATION , KANNUR

PETITIONER(S)/ACCUSED:

1. T. K. SANDEEP GANGADHARAN, AGED 38 YEARS
S/O. GANGADHARAN, THAVAKKARA HOUSE, THOTTADA P.O.
KANNUR DISTRICT.

2. KOOLOTH VALAPPIL GANGADHARAN, AGED 70 YEARS
THAVAKKARA HOUSE, THOTTADA P.O., KANNUR DISTRICT.

3. KINAVIKKAL SREEKALA AGED 62 YEARS
W/O. T.K.GANGADHARAN, THAVAKKARA HOUSE, THOTTADA P.O.
KANNUR DISTRICT.

4. SAJAN AGED 37 YEARS
S/O. T.K.GANGADHARAN, THAVAKKARA HOUSE, THOTTADA P.O.
KANNUR DISTRICT.

5. JITHIN AGED 32 YEARS
S/O. T.K.GANGADHARAN, THAVAKKARA HOUSE, THOTTADA P.O.
KANNUR DISTRICT.

BY ADVS.SRI.R.SUDHEER
SRI.P.SAJU

RESPONDENT(S)/COMPLAINANT:

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

2. REEJA T.V, AGED 29 YEARS
D/O. CHANRASEKHARAN T.V, THEKKEVEEDU, THATTACHERRY
NILESWAR P.O., KASARAGOD DISTRICT - 671 314.

R1 BY ADV. SMT.K.N.RAJANI
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. 4508 of 2015

APPENDIX

PETITIONER(S)' EXHIBITS

A1 - CERTIFIED COPY OF THE FIR DT. 06.11.13 IN CRIME NO. 847/2013
OF EDAKKAD POLICE STATION

A2 - TRUE COPY OF FINAL REPORT IN CRIME NO. 847/2013 EDAKKAD POLICE
STATION.

A3 - AFFIDAVIT SWORN IN BY THE 2ND RESPONDENT DEFACTO COMPLAINANT
REGARDING SETTLEMENT OF DISPUTES BETWEEN HER AND THE PETITIONERS.

TRUE COPY

P.S TO JUDGE

RAJA VIJAYARAGHAVAN.V. J

Crl.M.C. 4508 of 2015

Dated 17th July, 2015

ORDER

1. This is a petition filed u/s 482 of the Code of Criminal Procedure.
2. The petitioners are accused in C.P.53 of 2015 on the files of the Additional Chief Judicial Magistrate Court, Thalassery. The said case had arisen from Crime No.847 of 2013 of the Edakkad police station. The petitioners are charged with for having committed offence punishable u/s 315 & 498(A) r/w S.34 of the IPC. The said crime was registered at the instance of the 2nd respondent herein who is none other than the wife of the 1st petitioner. The 2nd petitioner is the father, the 3rd petitioner is the mother and the petitioners 4 and 5 are the brothers of the 1st petitioner.
3. The prayer in this petition is to exercise the inherent

powers of this Court under Section 482 of the Code and to quash the above proceedings on the ground that the matter has been settled between the parties .

4. The 2nd respondent has entered appearance through counsel and 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 petitioners should continue any further.

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

6. 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.

7. In the result, this Crl.M.C. is allowed. C.P.No. 53 of 2015 of the Additional Chief Judicial Magistrate Court, Thalassery, arising out of Crime No 847 / 2013 of the Edakkad Police Station and all proceedings pursuant thereto are quashed.

Sd/-
RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

//True Copy//

P.S.ToJudge