

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937

Crl.MC.No. 5790 of 2015

CC 34/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT, MATTANCHERY
CRIME NO. 1709/2011 OF FORT KOCHI POLICE STATION , ERNAKULAM

PETITIONER(S):

1. BAIJU K.JOSE AGED 33 YEARS, S/O BABY JOSE,
RESIDING AT C.C.40 OF 753, NJRA 253,
INDRAPRASTHAM, NORTH JANATHA ROAD,
PALARIVATTOM, ERNAKULAM DISTRICT

2. MAHADEVI, AGED 44 YEARS,
W/O SUNOJ, RESIDING AT C.C.40 OF 753,
NJRA 253, INDRAPRASTHAM,
NORTH JANATHA ROAD, PALARIVATTOR, ERNAKULAM.

BY ADVS.SRI.T.MADHU
SRI.B.S.SURAJ KRISHNA

RESPONDENT(S):

1. THE STATE OF KERALA, THROUGH THE STATION HOUSE-
OFFICER, FORT KOCHI POLICE STATION, ERNAKULAM DISTRICT,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031

2. SUNOJ K. BALAN, AGED 48 YEARS, S/O BALAN,
RESIDING AT HOUSE NO.10/434, KALANILAYAM,
SOUTH TAMARAPARAMBU, KOCHI-682001

3. N. BALAN, AGED 71 YEARS, S/O K. NANU,
RESIDING AT HOUSE NO.10/434, KALANILAYAM,
SOUTH TAMARAPARAMBU, KOCHI- 682001

R2 & 3 BY ADV. SMT.G.SANGEETHA
BY PUBLIC PROSECUTOR R. GITHESH

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
21-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX

ANNEXURES

A1- THE TRUE CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.1709 OF 2011 OF FORT KOCHI POLICE STATION

A2- THE AFFIDAVIT DATED 21.5.2015 SWORN IN BY R2

A3- THE AFFIDAVIT DATED 21.5.015 SWORN BY R3

TRUE COPY

P.S TO JUDGE

RAJA VIJAYARAGHAVAN.V. J

Crl.M.C.5790 of 2015

Dated 21st August, 2015

ORDER

1. The petitioners are accused Nos.1 and 2 in crime No.1709 of 2011 of Fort Kochi police station. The said crime has been registered against them for the offences punishable u/s 448, 506(i), 380 and 406 of the IPC. The prayer in this Criminal Miscellaneous case is to quash all further proceedings pursuant to Annexure-A1 final report in C.C.34 of 2015 on the files of the Judicial Magistrate of First Class, Mattanchery. Crime was registered originally on the basis of the information given by one Sunoj K. Balan, who is the husband of the 2nd petitioner. The 3rd respondent is the father of the 2nd respondent who was allegedly threatened by the petitioners. Respondent Nos.2 and 3 have filed a

separate affidavits asserting that they have settled the whole dispute between the accused and they have no grievance or complaint as of now.

2. I have heard the learned counsel for the petitioner, the learned counsel appearing for respondents 2 and 3 and the learned Public Prosecutor.

3. It is submitted by the learned counsel appearing for the petitioner that the 2nd petitioner is the wife of the 2nd respondent and the 3rd respondent is the father-in-law of the 2nd petitioner. There were some marital disputes between the 2nd respondent and the 2nd petitioner which has now been settled. Respondents 2 and 3 have filed separate affidavits asserting the same.

4. 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 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 Narinder Singh and others v. State of Punjab and anr. reported in (2014) 6 SCC 466)** and other cases.

5. 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 u/s 482 of the Code of Criminal Procedure.

6. In the result, this Crl.M.C. is allowed. All further proceedings in C.C.34 of 2015 on the file of the Judicial Magistrate of First Class, Mattanchery are hereby quashed.

Sd/-

RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

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