

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.D.RAJAN

MONDAY, THE 19TH DAY OF OCTOBER 2015/27TH ASWINA, 1937

Crl.MC.No. 6477 of 2015 ()

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CC 196/2012 of J.M.F.C., PERAMBRA
CRIME NO. 496/2010 OF PERAMBRA POLICE STATION, KOZHIKODE**

PETITIONER(S)/ACCUSED 1-3 :

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- 1. REMYA M.K. AGED 27 YEARS
D/O.RAVINDRAN NAIR, MURUKKANTHARA PARAMBU
KARUVANKADNY HOUSE, NOCHAD P O, PERAMBRA
NADUVANNUR, KOZHIKODE**
 - 2. RAVEENDRAN NAIR, AGED 65 YEARS
S/O.KUNHIKRISHNAKIDAVU, KARUVANKADNY HOUSE, NOCHAD P O
PERAMBRA, NADUVANNUR, KOZHIKODE**
 - 3. CHANDRIKA, AGED 60 YEARS
W/O.RAVEENDRAN NAIR, KARUVANKADNY HOUSE, NOCHAD P O
PERAMBRA, NADUVANNUR, KOZHIKODE**

**BY ADVS.SRI.R.SANJITH
SMT.C.S.SINDHU KRISHNAH**

RESPONDENT(S)/COMPLAINANT :

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- 1. VEETU, S/O.SANKARA KURUP, AGED 35 YEARS
S/O.SANKARA KURUP, THANDRAPPALLI, KURIKKILAD
VATAKARA, KOZHIKODE 673104
AT PRESENT WORKING AT J-RAY METRO MOTT
P O BOX NO 308050, GABELANI, WELDING DEPARTMENT
DUBAI-U A E**
 - 2. STATE OF KERALA
REP BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM-682031**

R2 BY PUBLIC PROSECUTOR SMT.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
19-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 6477 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE A1:- CERTIFIED COPY OF THE CHARGE IN CC NO 196/2012 ON THE
FILES OF LEARNED JFCM COURT, PERAMBRA IN CRIME NO
496/2010 OF PERAMBRA POLICE STATION**

**ANNEXURE A2:- TRUE COPY OF THE COMMON JUDGMENT IN MA NOS
1111/2014 AND 1112/2014 DTD 8/4/2014**

**ANNEXURE A3:- TRUE COPY OF THE AFFIDAVIT SIGNED ON BEHALF OF THE
1ST RESPONDENT**

RESPONDENT(S)' ANNEXURES

NIL

/TRUE COPY/

PA TO JUDGE

VS

P.D.RAJAN, J.

Crl.M.C.No.6477 of 2015

Dated this the 19th day of October, 2015

ORDER

This petition is filed under Section 482 of the Code of Criminal Procedure, to quash criminal proceedings in Annexure A1 charge, pending against the petitioners, on the ground of settlement between the petitioners and the first respondent. Petitioners are accused Nos.1 to 3 in C.C.No.196/2012 on the file of Judicial First Class Magistrate Court, Perambra, alleging offences punishable under Sections 417, 420, 495 read with 34 of the Indian Penal Code. First respondent was the husband of the first petitioner and also the defacto complainant in the above case. During investigation of Mat.Appeal No.1111/2014, they settled the entire disputes through Mediation. Accordingly, Annexure A2 judgment was delivered by the Division Bench of this Court. As per the first clause in Annexure A2, the petitioners agreed to pay a sum of Rs.1,25000/- in full and final settlement of

the respondent's claim as per order in O.P.No.136/2011 of the Family Court. As per clause 6 in Annexure A2, they agreed to file a petition to quash C.C.No.196/12 on the files of Judicial First Class Magistrate Court, Perambra arising out of Crime No.496/2010 of Perambra Police Station. Hence this petition.

2. The marriage between the first petitioner and the first respondent was solemnized on 30.01.2008 at Perambra as per Hindu religious customs and rites. No children are begotten in the marital wedlock. Since, they could not make a harmonious marital life, they decided to separate and the first petitioner has filed O.P.No.136/2011 before the learned Family Court, Ernakulam, against the petitioners claiming damages and marriage expenses. The learned Family Court partly allowed O.P.No.136/2011 and aggrieved by that judgment, the first petitioner filed Mat.Appeal No.1112/2014 before this Court. The first petitioner also filed another O.P.No.1779/2010 before the Family court against the first respondent and against that Mat.Appeal No.1111/2014 was preferred by this Court.

3. Subsequently as per the intervention of a mediator they had settled the whole dispute. They complied the directions in Annexure A2 and Annexure A3. A close scrutiny of the above compromise, this court found that there is no meaning in proceeding with this matter, invoking the inherent power of the Court in the light of the decisions in **Madhu Limaye v. State of Maharashtra** [1977 (4) SCC 551], **Joshi v. State of Haryana** [2003 (2) KLT 1062 (SC)], **Manoj Sharma v. State** [2008 (4) KLT 417 (SC)], **Shiji v. Radhika** [2011 (4) KLT 682 (SC)], **Jayrajsinh Digvijaysingh Rana v. State of Gujarat and Another** [2012 (2) KLD (SC)].

Therefore, Annexure A1 in C.C.No.196/2012 on the file of Judicial First Class Magistrate Court, Perambra (in Crime No.496/2010 of Perambra Police Station) is quashed invoking 482 of the Code of Criminal Procedure and this petition is allowed.

Sd/-
P.D.RAJAN
JUDGE

VS