

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937201

CrI.MC.No. 6656 of 2014

CRIME NO. 1340/2011 OF CHANGANASSERY POLICE STATION, KOTTAYAM

REVISION PETITIONERS/ACCUSED 1 TO 5:

1. BAVEND D KUMAR @ BOVAN D KUMAR, AGED 34 YEARS
PLAPRA SIVANAMAM, PANACHIKKAVU P.O., PERUNNA WEST
CHANGANACHERRY,
EMPLOYED AS SALES/ACCOUNTS CO-ORDINATE EMPLOYEE CODE SE 004
POWER POINT TRD L.L.C. P.O., BOX-34062, DUBAI-UAE

2. K.M.DINESH KUMAR, AGED 68 YEARS
PLAPRA SIVANAMAM, PANACHIKKAVU P.O., PERUNNA WEST
CHANGANACHEERRY.

3. SREEDEVI S @ MANIYAMMA AGED 61 YEARS
W/O K.M.DINESH KUMAR, PLAPRA SIVANAMAM
PANACHIKKAVU P.O., PERUNNA WEST, CHANGANACHERRY.

4. BONY D. KUMAR AGED 38 YEARS
S/O K.M.DINESH KUMAR, PLAPRA SIVANAMAM,
PANACHIKKAVU P.O., PERUNNA WEST, CHANGANACHERRY.

5. BABITHA M.D. AGED 31 YEARS
D/O. K.M.DINESH KUMAR, PLAPRA SIVANAMAM
PANACHIKKAVU P.O., PERUNNA WEST, CHANGANACHERRY.

BY ADVS.SRI.RAJ MOHAN R.PILLAI
SRI.K.N.RADHAKRISHNAN(THIRUVALLA)
SRI.RAVI KRISHNAN

RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

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

2. GOPIKA G, AGED 25 YEARS
D/O GOPINATHAN NAIR, GOKUL NIVS, CHAMPAKKARA P.O.
KARUKACHAL, KOTTAYAM-686540.

BY SMT.V.K.HEMA
BY PUBLIC PROSECUTOR SEENA RAMAKRISHNAN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
26-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 6656 of 2014

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE 1: CERTIFIED COPY OF THE FIR IN CRIME NO.1340 OF 2011 OF
CHANGANACHERRY POLICE STATION.

ANNEXURE 2: CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.1340 OF
2011 OF CHANGANACHERRY POLICE STATION.

ANNEXURE 3:L AFFIDAVIT DULY SWORN AND SIGNED BY THE 2ND RESPONDENT.

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P.S.To Judge

RAJA VIJAYARAGHAVAN.V. J

Crl.M.C. 6656 of 2014

Dated 26th June, 2015

ORDER

- 1.This is a petition filed under Section 482 of the Code of Criminal Procedure.
- 2.Petitioners 1 and 2 are the accused in C.C.188 of 2012 and the petitioners 3 to 5 are the accused Nos.1 to 3 in C.C.428 of 2015 on the files of the Judicial First Class Magistrate Court, Changanassery.
- 3.Originally, the case was pending before the Court as C.C.No.188 of 2012 but since the petitioners 3 to 5 absconded pending trial, the case against them was split up which resulted in re-numbering of the case. Both the cases arose on the basis of a complaint filed by the 2nd respondent herein, which was registered as Crime No.1340 of 2011 of the Changanassery police station. The petitioners are charged with having committed offence

punishable under Sections 498A and 506(1) r/w Section 34 of the Indian Penal Code. 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.

4.The 2nd respondent in this case is the wife of the 1st petitioner and the other petitioners are the near relatives of the 1st petitioner. It is submitted that the matter has been settled by the parties *inter se*.

5.The 2nd respondent in both the cases has entered appearance through counsel. She has also filed an affidavit swearing that the matter has been settled and that she does not wish that criminal proceedings as against the petitioners should continue any further.

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

7. The learned counsel for the 2nd respondent has asserted that the statements in the affidavit filed by the 2nd respondent are true to facts. It is submitted by the learned counsel for the 2nd respondent that the parties have entered into a divorce and that the 2nd respondent has re-married. 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.

8. In the result, this Crl.M.C. is allowed, and Annexure-2 Final report pending as C.C. No.188/2012 & C.C.No.428/2015 on the files of the Judicial First Class Magistrate Court, Changanassery, and all further proceedings in the said cases are quashed.

Sd/-

RAJA VIJAYARAGHAVAN.V.
Judge

Mrcs

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P.S.To Judge