

V.V. Thomas Vs. State

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Court : Kerala

Decided On : Jan-31-2014

Judge : Honourable Mr. Justice K.Ramakrishnan

Appellant : V.V. Thomas

Respondent : State

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN FRIDAY, THE 31ST DAY OF JANUARY 2014 11TH MAGHA, 1935 CrI.MC.No. 969 of 2014 -----
CRIME NO. 995/2013 OF THIRUVALLA POLICE STATION , PATHANAMTHITTA
.... PETITIONER(S):ACCUSED: ----- V.V.THOMAS,
AGED 46 YEARS, S/O.LATE VARGHESE, VALLIKKATTU HOUSE UPPUTHARA
VILLAGE, NOW RESIDING AT KUNNEL BUILDING, MARYKULAM,
AYYAPPANKOIL P.O. BY ADV. SRI.R.GIREESH VARMA
RESPONDENTS/COMPLAINANT: ----- 1.
STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH
COURT OF KERALA, ERNAKULAM-682 031.(CRIME NO.995/2013 OF
THIRUVALLA POLICE STATION).

2. SHEEBA THOMAS, AGED 36 YEARS, W/O.V.V.THOMAS, VALLAMATTATHIL
HOUSE, AYYAPPANKOIL P.O., MATTUKKATTA, IDUKKI DISTRICT, NOW
RESIDING AT KUNNEL BUILDING, MARYKULAM, AYYAPPANKOIL PO -685

507. R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE.P. R2 BY ADV. SMT.V.GEETHA POTTI THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON3101-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Kss CrI.MC.No. 969 of 2014 ----- APPENDIX PETITIONER(S)' ANNEXURES: ----- ANNEXURE-I. CERTIFIED COPY OF THE FIR IN CRIME NO.995/2013 OF THIRUVALLA POLICE STATION. ANNEXURE-II.TRUE COPY OF THE COMPROMISE PETITION DATED2909/2013. ANNEXURE-III.TRUE COPY OF THE AFFIDAVIT OF THE2D RESPONDENT. RESPONDENT(S)' ANNEXURES: ----- N I L /TRUE COPY/ P.A.TO JUDGE Kss K. RAMAKRISHNAN, J.

----- CrI.M.C. No.969 of 2014
----- Dated this the 31st day of
January, 2014

ORDER

This criminal miscellaneous case is filed by the petitioner, who is the accused in Crime No.995/2013 of Thiruvalla Police Station, to quash the first information report in that case, on the basis of the composition of the case between him and the defacto-complainant under Section 482 of the Code of Criminal Procedure (hereinafter called the 'Code').

2. It is alleged in the petition that, the petitioner is the accused in Crime No.995/2013 of Thiruvalla Police Station, evidenced by Annexure-1 first information report which was registered on the basis of the complaint from the 2nd respondent, who is none other than the wife of the petitioner. There was some mis-understanding arose between them, which resulted in several litigations before CrI.M.C. No.969 of 2014 2 the family court, magistrate court and also this case. Due to the intervention of family members, the matter has been settled between them and now they are residing together. The investigation of the case is not over and since it is a non-compoundable offence, police will not close the case as well. There is no necessity to proceed with the case. The petitioner has no other option but to approach this court to quash Annexure-1 first information

report, invoking the power under Section 482 of the Code, hence the petition.

3. Heard the learned counsel for the 2nd respondent, counsel for the first respondent and the learned Public Prosecutor.

4. The counsel for the 2nd respondent submitted that 2nd respondent has no objection in allowing the application, as the parties have settled the cases between them and they are residing together. It is an admitted fact that the 2nd respondent is the wife of the petitioner and due to some mis-understanding arose between them, they fell CrI.M.C. No.969 of 2014 3 apart and on account of that, several litigations including the registration of Annexure-1 crime has resulted. It is stated in the petition that, the matter has been settled between the parties, due to the intervention of well-wishers and family members and the mis-understanding between them has been resolved and they are now residing together. This fact was admitted by the 2nd respondent in the affidavit filed by her, produced as Annexure-3.

5. The counsel for the 2nd respondent also submitted that now they are residing together. So there is no necessity to proceed with the investigation of the case. In the decision reported in Gian Singh v. State of Punjab [2012(4) KLT108(SC)], the Hon'ble Supreme Court has held that, in family disputes, if the parties have settled the issues, due to the intervention of well-wishers and the family members and do not want to proceed with the criminal prosecution initiated, then that must be honoured and the prosecution has to be quashed, invoking the power CrI.M.C. No.969 of 2014 4 under Section 482 of the Code. So in view of the dictum laid down in the above decision, in family dispute, if the spouses have settled their issues and decided to reside together, this court must aid them to lead a happy life instead of allowing them to prolong the litigations. So under the circumstances, I feel that, it is a fit case where the power under Section 482 of the Code has to be invoked to quash Annexure-1 first information report. So, the Criminal miscellaneous case is allowed and Annexure-1 first information report in Crime No.995/2013 of Thiruvalla Police Station is quashed. Communicate this order to the concerned court for further action. Sd/- K. Ramakrishnan, Judge // True Copy // P.A. to Judge ss

