

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. 1491 of 2015

ST 13695/2013 of J.M.F.C., MUVATTUPUZHA
CRIME NO. 2071/2013 OF MUVATTUPUZHA POLICE STATION , ERNAKULAM

PETITIONER/ACCUSED:

AJMAL SHERIFF, AGED 22 YEARS,
S/O SHERIFF, RESIDING AT MUNDAKKAL HOUSE
KARIKODE KARA AND VILLAGE, THODUPUZHA, IDUKKI DISTRICT
PIN:685584.

BY ADV. SRI.PEEYUS A.KOTTAM

RESPONDENTS/STATE/DE FACTO COMPLAINANT:

1. AJMAL.M.A, AGED 29 YEARS
S/O AZEEZ, RESIDING AT MOOLAYIL HOUSE, AZAD ROAD
KAVUMKARA, VELLOORKUNNAM, MUVATTUPUZHA
ERNAKULAM DISTRICT, PINCODE:686673.

2. AJEESHA AJMAL, AGED 24 YEARS
W/O AJMAL, RESIDING AT MOOLAYIL HOUSE, AZAD ROAD
KAVUMKARA, VELLOORKUNNAM, MUVATTUPUZHA
ERNAKULAM DISTRICT, PINCODE:686673.

3. SUB INSPECTOR OF POLICE
MUVATTUPUZHA POLICE STATION
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.

R1-R2 BY ADV. SRI.JUVAIZE MUHAMMED
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:

CrI.MC.No. 1491 of 2015

APPENDIX

ANNEXURES

ANNEXURE A1: TRUE COPY OF THE FIRST INFORMATION REPORT DATED 17.10.2013 REGISTERED AGAINST THE PETITIONER IN CRIME NO.2071/2013 OF MUVATTUPUZHA POLICE STATION.

ANNEXURE A2: CERTIFIED COPY OF THE FINAL CHARGE DATED 8.11.2013 IN CRIME NO.2071/2013 OF MUVATTUPUZHA POLICE STATION WHICH IS REGISTERED AS ST NO.13695/2013 SUBMITTED BY THE 3RD RESPONDENT BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, MUVATTUPUZHA.

TRUE COPY

P.S TO JUDGE

RAJA VIJAYARAGHAVAN.V. J

Crl.M.C. 1491 of 2015

Dated 17th July, 2015

ORDER

1. This is a petition filed u/s 482 of the Code of Criminal Procedure.
2. The petitioner is the accused in Crime No.2071 of 2013 of the Muvattupuzha police station. The said crime has been registered alleging offence punishable under Section 66 of the Information Technology Act, 2000, and the same is now pending as S.T.13695 of 2013 on the files of the Judicial Magistrate of First Class, Muvattupuzha.
3. The prayer in this case is to quash Annexure-A2 final report on the ground that the case has been settled between the parties.
4. The 1st respondent is the de facto complainant and the 2nd respondent is the wife of the 1st respondent. The

respondents 1 and 2 have entered appearance through counsel and they have also filed affidavits asserting that the matter has been settled.

5. I have heard the learned counsel for the petitioner, the learned counsel appearing for respondents 1 and 2 and also the learned Public Prosecutor.

6. The learned counsel for respondents 1 and 2 submitted that the assertions in the affidavit filed by them are true to facts. 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 variety. 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 of the Code 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. S.T.No.13695 of 2013 on the files of the Judicial Magistrate of First Class , Muvattupuzha, and all further proceedings in the said case are quashed.

Sd/-

RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

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