

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 21ST DAY OF MAY 2015/31ST VAISAKHA, 1937

Crl.MC.No. 2446 of 2015

**SC 192/2014 OF DISTRICT AND SESSIONS COURT, KASARAGOD
CRIME NO. 386/2012 OF MANJESWAR POLICE STATION, KASARGOD**
.....

PETITIONER(S)/DEFACTO COMPLAINANT & ACCUSED:

- 1. RAVIDAS NAIK,
S/O.NAGESH NAIK, HEDGE VILLAGE, GANDHI NAGAR,
KUMTA TALUK, KARNATAKA STATE.**
- 2. SAFA @ HASSAN SAFWAN K.M.,
S/O.MOHAMMED, S.M.MANZIL, KUNJATHUR P.O.,
MANJESHWAR, KASARAGOD DISTRICT.**

**BY ADVS.SRI.K.V.SOHAN
SMT.SREEJA SOHAN.K.
SRI.ROVIN RODRIGUES**

RESPONDENT(S)STATE:

**STATE OF KERALA,
REP. BY SUB INSPECTOR OF POLICE,
MANJESHWAR POLICE STATION,
KASARAGOD DISTRICT (CRIME NO.386/2012)
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682 031.**

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
21-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE 1: TRUE COPY OF THE FIR LODGED BY MANJESHWAR POLICE STATION
DATED 10.07.2012.**

**ANNEXURE 2: ORIGINAL COPY OF THE CHARGE SHEET/FINAL REPORT ALONG WITH
THE SUPPLEMENTARY CHARGES DATED 30.07.2012 UNDER
SECTION 173 CRIMINAL PROCEDURE CODE.**

**ANNEXURE 3: ORIGINAL COPY OF AGREEMENT, DATED 02.04.2015 SETTling ALL
DISPUTES WHICH LED TO ANNEXURES - 2 CHARGE IN
CRIME NO.386/2012**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

ALEXANDER THOMAS, J.

Crl.M.C. No.2446 of 2015

Dated this the 25th day of May, 2015

ORDER

The prayer in this Crl.M.C. filed under the provisions of Section 482 of the Cr.P.C. seeking invocation of the inherent powers conferred on this Court, is to quash the impugned Annexure-2 Final Report /Charge Sheet filed against the 2nd petitioner (who is the sole accused) in Crime No.386/2012 of Manjeshwar Police Station of Kasaragod District for offences under 341 and 333 of IPC and all further proceedings arising therefrom. The 1st petitioner is the de facto complainant on whose information the crime was registered against the 2nd petitioner who is the sole accused in that crime. The case of the de facto complainant/ 1st petitioner is that while driving the KSRTC bus on 09/07/2012 at 17:40 hrs, the accused (2nd petitioner herein) came in a motor cycle

had overtaken the bus and parked it in front of the bus and the accused had entered the bus and hit the driver using a piece of stone on his wrist and thereby caused severe injury and this was done in a retaliation against the 1st petitioner in not giving side to the motor vehicle to the 2nd petitioner. The offences alleged are those under Sections 341 and 332/333 of the IPC as evident from Annexure-1 FIR in the above said crime in Crime No.386/2012 of Manjeshwar Police Station of Kasaragod District. The police after investigation submitted the impugned Annexure-2 final report/charge sheet in Annexure-1 crime which was led to the pendency of S.C. No.192/2014 on the file of the District & Sessions Court, Kasaragod. Petitioners submit that the entire crime had occurred due to spur in the moment and personal disputes that arose between the petitioners and that they have now settled the matter as evident from Annexure-3 agreement executed on 02/04/2015 wherein it is stated that the 1st petitioner has no objection in the quashment of the impugned

criminal proceedings against the petitioner. It is stated therein that the entire disputes essentially the personal disputes that arose due to the aforementioned incidents and this court invoke powers under Section 482 of the Cr.P.C to quash the impugned proceedings against the 2nd petitioner. It is in the light of these aspects that the aforementioned Crl.M.C. has been filed in the above said crime.

2. Heard; Sri.K.V.Sohan learned counsel for the petitioners and the learned Public Prosecutor appearing for the State of Kerala.

3. On a perusal of the materials on record it can be seen that the entire dispute arose due to the 2nd petitioner being annoyed in the 1st petitioner's vehicle not giving side while the 2nd petitioner was riding his motor cycle which led to the incidents as stated above. Therefore this court is of the considered opinion that the principle laid down by the apex Court in the case of **Gian Singh Vs. State of Punjab reported in [(2012)10 SCC 303=2012(9) SCALE 257]** and

other reported decisions of the Apex Court and this Court could be fittingly apply to the facts and circumstances of the case. Accordingly it is ordered that the impugned criminal proceedings at Annexure-A2 final report/charge sheet filed in the impugned Annexure -1 FIR in Crime No.386/2012 of Manjeshwar police station which has now led to the pendency of S.C. No.192/2014 on the files of the Sessions Court concerned Kasaragod and all further proceedings arise in the aforementioned petition stand quashed.

4. The petitioner shall produce certified copies of this order before the Station House Officer concerned and to the court below concerned.

With these observations and directions the Crl.M.C. Stands finally disposed of.

Sd/- **ALEXANDER THOMAS**
JUDGE