

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

Crl.MC.No. 3036 of 2015 ()

**AGAINST THE JUDGMENT IN C.C.NO.744/2014 of JUDICIAL FIRST CLASS MAGISTRATE
COURT - VI, KOZHIKODE
CRIME NO. 458/2013 OF NALLALAM POLICE STATION, KOZHIKODE**

PETITIONER(S)/ACCUSED:

- 1. SALAHUDHEEN, AGED 40 YEARS
S/O ABDUL KAREEM, THOTTATHIL HOUSE,
VAZAKKAD AMSOM DESOM, KOZHIKODE TALUK**
- 2. AMEEN AHSAN, AGED 50 YEARS,
S/O ABDUL KAREEM, THOTTATHIL HOUSE
VAZAKKAD AMSOM DESOM, KOZHIKODE TALUK**

BY ADV. SRI.K.V.RAJENDRAN (WANDOOR)

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT:

- 1. STATE OF KERALA
REPRESENTED BY (CRIME NO.458-SHO NALLALAM POLICE
STATION) BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031**
- 2. SAHIRA, AGED 31 YEARS,
D/O MUHAMMED KOYA, RESIDING AT 'SHAMZ', CHERUVANNUR
P.O. FEROKE, KOZHIKODE TALUK, PIN 673 631**

**R2 BY ADV. SRI.N.MANU THAMPI
R1 BY PUBLIC PROSECUTOR SMT.SEENA RAMAKRISHNAN**

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

Crl.MC.No. 3036 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1 TRUE COPY OF THE FIR IN CRIME NO 458/13 OF NALLALAM POLICE
STATION AND FINAL REPORT FILED BY THE NALLAM POLICE BEFORE
THE JUDICIAL FIRST CLASS MAGISTRATE COURT -V1, KOZHIKODE**

**ANNEXURE A2 TRUE COPY OF THE AGREEMENT ARRIVED AT BETWEEN THE FIRST
PETITIONER AND DEFACTO COMPLAINANT DATED 21-5-2015**

**ANNEXURE A3 TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE 2ND RESPONDENT
DATED 23-5-2015**

RESPONDENT(S)' EXHIBITS

NIL

//True Copy//

P.A. To Judge

Bb

RAJA VIJAYARAGHAVAN V, J.

CrI.M.C.No.3036 of 2015

Dated this the 26th day of June, 2015

O R D E R

This is a Petition filed under section 482 Code of Criminal Procedure.

2. The petitioners herein are brothers who are accused Nos.1 and 2 in C.C.No.744/2014 on the file of the Judicial First Class Magistrate Court-VI, Kozhikode. The said crime was registered at the instance of the second respondent who is the wife of the first petitioner.

3. This petition is filed seeking to quash Annexure A1 First Information Report and also the final report arising out of Crime No.458/2013 of Nallalam Police Station and all the further proceedings pursuant therein.

4. The second respondent has entered appearance through her counsel. She has filed an affidavit asserting that the matter has been settled between the parties and she does not wish that the criminal proceedings against the petitioners should

continue.

5. Heard the learned counsel for the petitioners, the learned counsel for the second respondent and also the learned Public Prosecutor.

6. The learned counsel for the second respondent has submitted that the assertions in the affidavit filed by the second respondent are true.

7. I have anxiously gone through the relevant records and also the affidavit filed by the defacto complainant. 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 Section 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 am convinced that the extraordinary powers under Section 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 reported in **(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.

8. 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 Section 482 of the Code of Criminal Procedure.

In the result, this Crl.M.C. is allowed, and Annexure-A1 First Information Report and Final Report in C.C.No.744/2014 on the file of the Judicial First Class Magistrate Court-VI, Kozhikode and all further proceedings in the said case are quashed.

Sd/-

RAJA VIJAYARAGHAVAN V, JUDGE.

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[True copy]

P.A to Judge