

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937

Crl.MC.No. 2085 of 2014

**CC 266/2007 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - II, ERNAKULAM
CRIME NO.599/2007 OF CENTRAL POLICE STATION**
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PETITIONER(S)/ACCUSED:

1. SUNDAR, AGED 31 YEARS,
S/O.MUTHUSWAMI, KOVANOOR GRAMAM,
PILLOOR P.O.,SIVAGANGA DISTRICT, TAMILNADU.
2. GANESHAN, AGED 35 YEARS,
S/O.SURYAMOORTHY, MUTHALIPPETTI GRAMAM, THANCHAVOOR,
TAMIL NADU.
3. CHANDRAN, AGED 26 YEARS,
S/O.SEKHAR, MEENACHIPURAM GRAMAM,
SEMBELLOOR P.O.,SIVAGANGA DISTRICT, TAMIL NADU.
4. MARUTHU, AGED 26 YEARS,
S/O.RAJAMANIKYAM, H.NO.12, KOVANOOR GRAMAM,
SIVAGANGA DISTRICT, MADHURA, TAMIL NADU.
5. BALU, AGED 26 YEARS,
S/O.MUTHU, H.NO.74, ARASANOOR GRAMAM,
PULLOOR GRAMAM, SIVAGANGA DISTRICT, MADURA,
TAMIL NADU.

BY ADV. SRI.P.A.MUJEEB

RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT:

1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, COCHIN - 31.
2. RESHKUMAR, AGED 40 YEARS,
S/O.RAJU, RESH NIVAS, MOOLANKUZH DESOM,
RAMESWARAM VILLAGE, KOCHI TALUK, KOCHI - 6.

**R1 BY PUBLIC PROSECUTOR SMT.M.T.SHEEBA
R2 BY ADV. SRI.ANVER BASHEER**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
21-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 2085 of 2014

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE-A1: THE CERTIFIED COPY OF THE F.I.R IN CRIME NO.599/2007 OF
CENTRAL POLICE STATION, ERNAKULAM DATED 20.4.2007.**

**ANNEXURE-A2: THE CERTIFIED COPY OF THE CHARGE SHEET IN C.C.NO.266/2007
OF JUDICIAL FIRST CLASS MAGISTRATE COURT - II, ERNAKULAM.**

ANNEXURE-A3: AFFIDAVIT SWORN BY THE 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msv/

RAJA VIJAYARAGHAVAN V, J.

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Dated this the 21st day of August, 2015

O R D E R

The petitioners are the accused Nos.1 to 5 on the files of the Judicial First Class Magistrate Court – II, Ernakulam. They are charged for having committed offence punishable under sections 143, 147, 148, 341, 323 and 324 read with section 149 of the Indian Penal Code.

2. The prayer in this Criminal Miscellaneous Case is to quash all proceedings in pursuance to Annexure A-2 Charge Sheet in C.C.No.266/2007 of the Judicial First Class Magistrate Court – II, Ernakulam. The crime was registered on 20.04.2007 on the basis of the complaint filed by one Reshkumar who has been arrayed as the second respondent in this proceedings. The second respondent has filed an affidavit asserting that he has settled the whole dispute with the petitioners and he has no grievance or complaint now.

3. I have heard the learned counsel for the petitioners as well as the second respondent and the learned Public Prosecutor.

4. The learned counsel for the second respondent has submitted that the assertions in the affidavit filed by the 2nd respondent are true.

5. I have anxiously gone through the relevant records and also the affidavit filed by the de facto 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

offences 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 and anr.** 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 Criminal Miscellaneous Case is

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allowed, and Annexure A-2 Charge Sheet and all further proceedings in C.C.No.266/2007 on the files of the Judicial First Class Magistrate Court – II, Ernakulam are hereby quashed.

Sd/-
**RAJA VIJAYARAGHAVAN V,
JUDGE.**

Bb

[True copy]

P.A to Judge