

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, 1937

CrI.MC.No. 3371 of 2015

CRIME NO. 208/2015 OF KADINAMKULAM POLICE STATION,
THIRUVANANDAPURAM

PETITIONER(S)/AI TO A3:

1. SAFAR @ SAFARULLA AGED 53,
S/O.MUHAMMED ALI, VALIYAVILAKOM, PERUMATHURA
SARKARA VILLAGE, CHIRAYINKIL TALUK, THIRUVANANTHAPURAM

2. HARIS, AGED 28 YEARS
S/O.SAFARULLA, VALIYAVILAKOM, PERUMATHURA
SARKARA VILLAGE, CHIRAYINKIL TALUK, THIRUVANANTHAPURAM

3. MANAR
S/O.ALIYARU KUNJU, VALIYAVILAKOM, PERUMATHURA
SARKARA VILLAGE, CHIRAYINKIL TALUK, THIRUVANANTHAPURAM

BY ADV. SRI.SHAJIN S.HAMEED

RESPONDENT(S)/STATE & DEFACTO COMPLAIANANT:

1. STATE OF KERLA
REPRESENTED BY THE SUB INSPECTOR OF POLICE
KADINAMKULAM POLICE STATION
REPRESENTED THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERAL, ERNAKULAM

2. KANEEMA BEEVI, AGED 45 YEARS
D/O.RAHIYANATH BEEVI, THASBINA MANZIL, KASALAKKAKAM
PERUMATHURA, SARKARA VILLAGE, THIRUVANANTHAPURAM
PIN 695123

3. DHARIK, AGED 17,
S/O.KANEEMA BEEVI, THASBINA MANZIL, KASALAKKAKAM
PERUMATHURA, SARKARA VILLAGE, THIRUVANANTHAPURAM

PIN 695123

(REPRESENTED BY 2ND RESPONDENT MOTHER KANNEMA BEEVI)

BY ADV. SRI.R.GOPAN

BY PUBLIC PROSECUTOR SRI. GITHESH

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

CrI.MC.No. 3371 of 2015 ()

APPENDIX

ANNEXURES

ANNEXURE A: CERTIFIED COPY OF THE FIR IN CRIME NO.208/2015 OF
KADINAMKULAM POLICE STATION

ANNEXURE B: AFFIDAVIT EXECUTED BY THE 2ND RESPONDENT/DEFACTO
COMPLAINANT FOR HERSELF AND FOR HER MINOR SON

//True Copy//

P.S.To Judge

RAJA VIJAYARAGHAVAN.V. J

Crl.M.C. 3371 of 2015

Dated 26th June, 2015

ORDER

1. This is a petition filed under Section 482 of the Code of Criminal Procedure.
2. The petitioners are accused Nos.1 to 3 in Crime No.208 of 2015 of Kadinamkulam police station, Thiruvananthapuram. The said crime has been registered under Section 341, 324, 294(b) and 326 r/w Section 34 of IPC and under Section 23 of the Juvenile Justice Care and Protection Act, 2000.
3. The prayer in this Crl.M.C is to quash Annexure-A FIR and all further proceedings against the petitioners in the aforesaid case by invoking the extraordinary inherent powers of this Court under Section 482 of the Code.

4.The 2nd respondent is the de facto complainant who is also the injured and the 3rd respondent is the son of the 2nd respondent. According to the prosecution, the 3rd respondent was aged 17 years when the incident had taken place.

5.It is submitted that the matter has been settled by the parties inter se. Respondent Nos.2 and 3 have entered appeared through counsel. The 2nd respondent has also filed an affidavit swearing that the matter has been settled and that she does not wish that the criminal proceedings as against the petitioners should continue. It is also stated in the affidavit that the petitioners herein are the close relatives of the 2nd respondent.

6.I have heard the learned counsel for the petitioners, the learned counsel for respondents 2 and 3 and also the learned Public Prosecutor.

7.The learned counsel appearing for respondents 2 and 3 has submitted that the assertions made by the 2nd

respondent in the affidavit are true and correct. 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 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 am convinced that the extraordinary powers under S 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 Narinder Singh and others v. State of Punjab and anr. reported in (2014) 6 SCC 466** and other cases .

8.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.

9.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.

10.In the result, this Crl.M.C. is allowed, and Annexure-A FIR in Crime No.208 of 2015 of the Kadinamkulam Police station, Thiruvananthapuram, on the file of the Judicial First Class Magistrate Court-I, Attingal, and all further proceedings in the said case are quashed.

Sd/-
RAJA VIJAYARAGHAVAN.V.
Judge

MrCS

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