

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

Crl.MC.No. 3764 of 2015 ()

CRIME NO.1478/2012 OF CHENGANNOOR POLICE STATION , ALAPPUZHA

PETITIONER(S)/PETITIONERS/ACCUSED A1 TO 5:

- 1. THEJES, AGED 20 YEARS,
S/O. SURENDRAN, THAPASIYA PUMANGALUM VEEDU,
MULAKUZHA MURI, MULAKUZHA VILLAGE, CHENGANNUR TALUK,
ALAPPUZHA DISTRICT.**
- 2. ADEEP, AGED 30 YEARS,
S/O. BALACHANDRAN, ANU NIVAS, KOTTA MURI,
MULAKUZHA VILLAGE, CHENGANNUR TALUK,
ALAPPUZHA DISTRICT.**
- 3. PRAMEN, AGED 29 YEARS,
S/O. SOMAN, VELYPARAMBIL COLONYIL VEEDU,
PERIGALA MURI, MULAKUZHA VILLAGE, CHENGANNUR TALUK
ALAPPUZHA DISTRICT.**
- 4. VINAYAN @ KANNAN, AGED 29 YEARS,
S/O. SOMARAJAN, THADATHIL THEKETHIL VEEDU,
MULAKUZHA MURI, MULAKUZHA VILLAGE, CHENGANNUR TALUK,
ALAPPUZHA DISTRICT.**
- 5. BEJEESH, AGED 28 YEARS,
S/O. VIJAYAN, BEJEESH BHAVAN, MULAKUZHA KARA,
MULAKUZHA VILLAGE, CHENGANNUR TALUK
ALAPPUZHA DISTRICT.**

BY ADV. SRI.P.V.DILEEP

RESPONDENT(S)/RESPONDENT/COMPLAINANT:

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.**
- 2. JEYEN K. JEPIS, AGED 27 YEARS,
S/O. K.V.JAYAPRAKASEH, KATTIL VADAKETHIL VEEDU,
MULAKUZHA MURI, MULAKUZHA VILLAGE,**

CHENGANNUR TALUK, ALAPPUZHA DISTRICT-689121.

3. JITHIN K. JEPIS, AGED 25 YEARS,
S/O. K.V.JAYAPRAKASEH, KATTIL VADAKETHIL VEEDU,
MULAKUZHA MURI, MULAKUZHA VILLAGE,
CHENGANNUR TALUK, ALAPPUZHA DISTRICT-689121.

4. VISHNU, AGED 23 YEARS,
S/O. BABUJI, PALANILKUNATHIL VEEDU, AREEKARA MURI,
MULAKUZHA VILLAGE, CHENGANNUR TALUK,
ALAPPUZHA DISTRICT-689121.

R2-4 BY ADV. SRI.AJITH MURALI
R1 BY PUBLIC PROSECUTOR SMT.MADHUBEN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 29-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 3764 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A- A CERTIFIED COPY OF THE CHARGE SHEET IN CRIME NO. 1478/2012 OF
CHENGANNUR POLICE STATION.**

RESPONDENT(S)' EXHIBITS

NIL

//True Copy//

P.A. To Judge

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RAJA VIJAYARAGHAVAN V, J.

Crl.M.C.No.3764 of 2015

Dated this the 29th day of June, 2015

O R D E R

This is a petition filed under Section 482 of Code of Criminal Procedure.

2. The petitioners are the Accused Nos. 1 to 5 in Crime No.1478/2012 of Chengannur Police Station. The said crime was registered, based on the statement furnished by the second respondent herein alleging offence punishable under Sections 294 (b), 323, 308 and Section 34 of Juvenile Justice Act, 2000.

3. According to the learned counsel appearing for the petitioners, the first petitioner was a minor when the offence was committed and the case against him is pending before the Principal Magistrate (Juvenile Justice Board), Alappuzha and the same has not been numbered on file. As against the petitioners 2 to 5, the proceedings are pending before Judicial First Class Magistrate Court, Chengannur, it is submitted.

4. The prayer in this Criminal Miscellaneous Case is to exercise the extraordinary inherent powers of this Court under Section 482 of the Code of Criminal Procedure and to quash the

pending criminal proceedings. It is submitted that the matter has been settled between the parties.

5. The respondents No. 2 to 4 have entered appearance through their counsel. They have filed separate affidavits swearing that the matter has been settled and that they do not wish that the criminal proceedings against the petitioners should continue.

6. I have heard the learned counsel for the petitioners, the learned counsel for the respondents 2 to 4 and also the learned Public Prosecutor.

7. The learned counsel for the respondents 2 to 4 has submitted that the assertions in the affidavits are true.

8. I have anxiously gone through the relevant records and also the affidavits filed by the respondents. I am convinced that the offence 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 offence 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.

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 Section 482 of the Code of Criminal Procedure.

In the result, this Criminal Miscellaneous Case is allowed, and the Charge Sheet and all further proceedings as against the petitioners 2 to 5 in Crime No.1478/2012 of Chengannur Police Station pending before the Judicial First Class Magistrate Court, Chengannur and also the proceeding pending before the Principal

Crl.M.C.No.3764 of 2015 : 4 :

Magistrate Court (Juvenile Justice Board) Alappuzha as against
the 1st petitioner are hereby quashed.

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

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[True copy]

P.A to Judge