

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

CrI.MC.No. 4429 of 2015 ()

CC 1204/2013 of J.M.F.C., NADAPURAM
CRIME NO. 200/2013 OF VALAYAM POLICE STATION , KOZHIKODE

PETITIONER(S)/PETITIONERS/ACCUSED:- :

1. MUHAMMAD P.K.
S/O.ABDULLA, PEETAKANDY HOUSE, UMMATHUR
PARAKADAVU P.O., NADAPURAM - 673 509.

2. ABDUL SAHAD P.K.
S/O.MOOSA, PEETAKANDY HOUSE, UMMATHUR
PARAKADAVU P.O., NADAPURAM - 673 509.

3. ASIF T.
S/O.SOOPY HAJI, THODUVAYAL HOUSE, UMMATHUR
PARAKADAVU P.O., NADAPURAM - 673 509.

4. RASHID
S/O.ABUBAKER, PUTHUVANDIYIL HOUSE, UMMATHUR
PARAKADAVU P.O., NADAPURAM - 673 509.

5. SUBAIR M.K.
S/O.AHAMMED, MATATHUKUNIYIL HOUSE, UMMATHUR
PARAKADAVU P.O., NADAPURAM - 673 509.

6. JAFAR P.K.
S/O.MOOSA, PEETAKANDIYIL HOUSE, UMMATHUR
PARAKADAVU P.O., NADAPURAM - 673 509.

7. SIRAJ
S/O.MOIDHEENKUTTY, KOTTARATHIL HOUSE, UMMATHUR
PARAKADAVU P.O., NADAPURAM - 673 509.

8. RIYAS C.K.
S/O.ABDULLA, CHATHANKANDIYIL HOUSE, UMMATHUR
PARAKADAVU P.O., NADAPURAM - 673 509.

9. HARIS P.
S/O.SHIKHMASH, PUNNAKKAL HOUSE, UMMATHUR
PARAKADAVU P.O., NADAPURAM - 673 509.

10. SADIQUE
S/O.AHAMMED, KALLOLI HOUSE, UMMATHUR
PARAKADAVU P.O., NADAPURAM - 673 509.

BY ADV. SRI.M.G.SREEJITH

RESPONDENT(S)/RESPONDENTS/DEFACTO COMPLAINANT:-:

1. STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE
VALAYAM POLICE STATION THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA - 682 031.

2. KUNHALI, AGED 41 YEARS
PATHIYAYINTAVIDA HOUSE, UMMATHUR, PARAKADAVU P.O.
NADAPURAM - 673 509.

3. ABDURAHIMAN, AGED 43 YEARS
KANJAL HOUSE, UMMATHUR, PARAKADAVU P.O.
NADAPURAM - 673 509.

BY ADV. SRI.ABDUL JALEEL ONATH
BY PUBLIC PROSECUTOR SRI. GITESH

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
15-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 4429 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1. TRUE COPY OF CHARGE SHEET IN CRIME NO.200/2013 OF
VALAYAM POLICE STATION PENDING BEFORE THE JUDICIAL FIRST CLASS
MAGISTRATE, NADAPURAM AS C.C.NO.1204/2014.

ANNEXURE A2(a), TO A2(b). THE AFFIDAVIT FILED BY RESPONDENTS 2 & 3
DATED 19.01.2015.

TRUE COPY

P.S TO JUDGE

RAJA VIJAYARAGHAVAN.V. J

Crl.M.C. 4429 of 2015

Dated 15th July, 2015

ORDER

The petitioners are accused Nos.1 & 3 to 11 in C.C.1204 of 2013 on the files of the Judicial Magistrate of First Class, Nadapuram. They are charged for having committed offence punishable under Sections 143, 147, 341, 323, 324, 294(b), 506(2) and 149 of the IPC. The prayer in this case is to quash Annexure-A1 charge sheet . The 2nd accused was a juvenile and he is not proceeded with in this Case , it is submitted.

2 The aforesaid crime was registered on the basis of the statement given by Kunjali @ Mammu , who has been arrayed as the 2nd respondent. The 3rd respondent was also injured in the incident. Respondents 2 and 3 have entered appearance through counsel and have filed separate affidavits stating that they have settled the whole dispute with the accused and they have no

grievance or complaint.

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

4. I am convinced that the offences are entirely personal in nature and, therefore, do not affect public peace or tranquility. The learned counsel for the respondents 2 and 3 has submitted that the assertions in the affidavit filed by the respondents 2 and 3 are true. 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 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 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.

5. It is also felt that quashing of the instant proceeding 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. I am, therefore, of the view that the criminal proceedings pending as against the petitioner can be quashed by invoking the inherent powers of this Court under S 482 of the Code of Criminal Procedure.

6. In the result, all further proceedings in C.C.1204 of 2013 on the files of the Judicial Magistrate of First Class, Nadapuram, are quashed.

Sd/-

RAJA VIJAYARAGHAVAN.V.
Judge

MrCS

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