

**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. 4432 of 2015 ()**

**CRIME NO. 355/2015 OF KOYILANDY POLICE STATION, KOZHIKODE DISTRICT**

**PETITIONER/ACCUSED :**

**MUHAMMAD ASLAM  
S/O. MOOSAKUTTY, AGED 39 YEARS  
MUKKADI THAZHE HOUSE  
P.O. KADALUR, KOYILANDY THALUK.**

**BY ADV. SRI.ZUBAIR PULIKKOOL**

**RESPONDENTS/COMPLAINANT :**

**1. SUBAIDA  
W/O. KUNHABDULLA, AGED 46 YEARS  
MUKKADI THAZHE HOUSE, P.O. KADALUR  
KOYILANDY THALUK, KOZHIKODE DISTRICT  
PIN – 673 325.**

**2. STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR  
HIGH COURT OF KERALA  
ERNAKULAM, PIN – 682 031.**

**R1 BY ADV. SMT.PA.ANEESHA  
R2 BY PUBLIC PROSECUTOR SRI. R. GITHESH**

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

**Mn**

**...2/-**

Crl.MC.No. 4432 of 2015 ()

**APPENDIX**

**PETITIONERS' ANNEXURES :**

**ANNEXURE I : COPY OF THE FIR & F.I. STATEMENT IN CRIME NO. 355/2015 OF KOYILANDY POLICE STATION.**

**ANNEXURE II SWORN AFFIDAVIT OF 1ST RESPONDENT.**

**RESPONDENT'S ANNEXURES : NIL**

**//TRUE COPY//**

**P.S. TO JUDGE**

**Mn**

**RAJA VIJAYARAGHAVAN.V. J**

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Crl.M.C. 4432 of 2015  
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Dated 15<sup>th</sup> July, 2015  
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**ORDER**

1. The petitioner is the sole accused in crime No.355 of 2015 of the Koyilandi police station. He is charged for having committed offence punishable under Sections 341, 323, 294(b) of the IPC. The prayer in this Criminal Miscellaneous Case is to exercise extraordinary inherent powers of this Court u/s 482 of the Code of Criminal Procedure and to quash the pending criminal proceedings. It is submitted that the matter has been settled by the parties inter se.

2. The Crime was registered on the basis of the information given by the 1<sup>st</sup> respondent, who is a neighbor. The 1<sup>st</sup> respondent has entered appearance through counsel and has filed affidavit stating that she has settled the whole dispute with the petitioner and she has no grievance or complaint.

3. I have heard the learned counsel for the petitioner, the learned counsel for the 1<sup>st</sup> respondent and the learned Public Prosecutor.

4. The learned counsel for the 1<sup>st</sup> respondent has submitted that the assertions in the affidavit filed by the 1<sup>st</sup> respondent are true. 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 nature. 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. 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.

6. In the result, this Crl.M.C. is allowed. Annexure-I FIR and all further proceedings in Crime No.355 of 2015 of Koyilandi police station, is hereby quashed.

SD/-

**RAJA VIJAYARAGHAVAN.V.**  
**Judge**

MrCs

//True Copy//

P.S.ToJudge