

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

Crl.MC.No. 4439 of 2015 ()

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CC.NO. 71/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, NADAPURAM
CRIME NO. 361/2013 OF VALAYAM POLICE STATION, KOZHIKODE
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PETITIONERS/ACCUSED NO. 1 TO 14 :

- 1. SIRAJ,
S/O. MOIDEENKUTTY, KOTTARATHIL HOUSE
UMMATHUR, PARAKKADAVU P.O., NADAPURAM
KOZHIKODE – 673 509.**
- 2. SAHAD
S/O. MOOSA, PEETAKKANDIYIL HOUSE
UMMATHUR, PARAKKADAVU P.O., NADAPURAM
KOZHIKODE – 673 509.**
- 3. RIYAS
S/O. ABDULLA, CHATHAN KANDY HOUSE
UMMATHUR, PARAKKADAVU P.O., NADAPURAM
KOZHIKODE – 673 509.**
- 4. SUBAIR M.K.,
S/O. AHAMMED, MATHATH KANIYIL HOUSE
UMMATHUR, PARAKKADAVU P.O., NADAPURAM
KOZHIKODE – 673 509.**
- 5. ASIF T.,
S/O. SOOPY HAJI, THODUVAYIL HOUSE
UMMATHUR, PARAKKADAVU P.O., NADAPURAM
KOZHIKODE – 673 509.**
- 6. SHAFEEQUE V.,
S/O. ABOOBAKER, VACHAL HOUSE
UMMATHUR, PARAKKADAVU P.O., NADAPURAM
KOZHIKODE – 673 509.**
- 7. NIZAR K.,
S/O. AMMED HAJI, KOYAMBRATH HOUSE
UMMATHUR, PARAKKADAVU P.O., NADAPURAM
KOZHIKODE – 673 509.**

8. HAMEED A.,
S/O. ABDULLA, AMBALATHINKAL HOUSE
UMMATHUR, PARAKKADAVU P.O., NADAPURAM.
9. HARIS P.,
S/O. SHIKH MASH, PUNNAKKAL HOUSE
UMMATHUR, PARAKKADAVU P.O., NADAPURAM
KOZHIKODE – 673 509.
10. SAJIDH
S/O. MOOSA, PEETAKANDIYIL HOUSE
UMMATHUR, PARAKKADAVU P.O., NADAPURAM
KOZHIKODE – 673 509.
11. SHAMSU
S/O. AMMED HAJI, KOYIMBRATH HOUSE
UMMATHUR, PARAKKADAVU P.O., NADAPURAM
KOZHIKODE – 673 509.
12. MUJEEB T.K.,
S/O. KHADER, THAIKANDY HOUSE
UMMATHUR, PARAKKADAVU P.O., NADAPURAM
KOZHIKODE – 673 509.
13. MUHAMMED
S/O. HASSAN, KOYIPALLI HOUSE
UMMATHUR, PARAKKADAVU P.O., NADAPURAM
KOZHIKODE – 673 509.
14. MUHAMMED
S/O. ABDULLA, PEETAKANDY HOUSE
UMMATHUR, PARAKKADAVU P.O., NADAPURAM
KOZHIKODE – 673 509.

BY ADV. SRI.M.G.SREEJITH

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. AZEEZ
AGED 18 YEARS, S/O. ABOOBACKER
CHELAPURATHU HOUSE,
UMMATHUR, PARAKKADAVU P.O., NADAPURAM
KOZHIKODE – 673 509.

3. MUHAMMED
AGED 18 YEARS, S/O. ABDURAHIMAN
THAIKANDY HOUSE, UMMATHUR, PARAKKADAVU P.O.,
NADAPURAM, KOZHIKODE – 673 509.

R1 BY PUBLIC PROSECUTOR SRI. R. GITHESH
R2 & R3 BY ADV. SRI.ABDUL JALEEL ONATH

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

Mn

...4/-

APPENDIX

PETITIONERS' ANNEXURES :

ANNEXURE A1 **COPY OF CHARGE SHEET IN CRIME NO. 361/2013 OF
VALAYAM POLICE STATION PENDING BEFORE THE
JUDICIAL FIRST CLASS MAGISTRATE, NADAPURAM AS
CC NO. 71/2014.**

ANNEXURE A2(a) TO A2(b) **THE AFFIDAVIT FILED BY RESPONDENTS 2 TO 3 DATED
15-1-2015.**

RESPONDENT'S ANNEXURES : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

RAJA VIJAYARAGHAVAN.V. J

Crl.M.C. 4439 of 2015

Dated 15th July, 2015

ORDER

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

2. The petitioners herein are accused Nos.1 to 14 in C.C.71 of 2014 on the files of the Judicial Magistrate of First Class, Nadapuram. They have been charge sheeted for offence punishable under Sections 143, 147, 148, 341, 323, 324, 294(b) and 149 of the Indian Penal Code. The prayer in this Crl.M.C is to exercise extraordinary inherent powers under section 482 of the Code and to quash the pending criminal proceedings. It is submitted that the matter has been settled by the parties inter se.

3. Crime was registered based on the information furnished by the 2nd respondent. The 3rd respondent in this case is one of the injured. Respondents 2 and 3 have filed separate affidavits asserting that they have settled

the whole dispute with the petitioners and that they have no grievance or complaint.

4. I have heard the learned counsel for the petitioner and the learned counsel for respondents 2 and 3 and the learned Public Prosecutor.

5. The learned counsel for the respondents 2 and 3 has submitted that the assertions in the affidavit filed by the said 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 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.

6. 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.

7. In the result, this Crl.M.C. is allowed. All further proceedings in C.C. No.71 of 2014, on the files of the Judicial Magistrate of First Class, Nadapuram, are quashed.

Sd/-

**RAJA VIJAYARAGHAVAN.V.
Judge**

MrCs

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