

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

FRIDAY, THE 17TH DAY OF JULY 2015/26TH ASHADHA, 1937

CrI.MC.No. 4512 of 2015

SC 152/2015 of ASSISTANT SESSIONS COURT, CHENGANNUR
CRIME NO. 974/2009 OF CHENGANNUR POLICE STATION, ALAPPUZHA

PETITIONER(S)/ACCUSED NO.1-3::

1. VISHNU AGED 24 YEARS
S/O.VIJAYAN, RESIDING AT AYLITHARA HOUSE, PERISERRI
CHENGANNUR, ALAPPUZHA DISTRICT. PIN-688001

2. SAJITH, AGED 23,
S/O.KUJUKUTTY RESIDING AT AYLITHARA HOUSE, PERISERRI
CHENGANNUR, ALAPPUZHA DISTRICT. PIN-688001

3. AMEESH @ AMITH AGED 30 YEARS
S/O.ACHUTAHN RESIDING AT PONOTHARA HOUSE
PULIYOOR MURI, CHENGANNUR, ALAPPUZHA. PIN-688001

BY ADV. SRI.K.N.RADHAKRISHNAN(THIRUVALLA)

RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT AND INJURED:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

2. SIJEESH, S/O.SUKUMRAN, AGED 36 YEARS
RESIDING AT POOVAPPALLY S.S. VILLA, PERISERRI
CHENGANNUR, ALAPPUZHA DISTRICT. PIN-688001

3. SIBEESH, AGED 34 YEARS
S/O.SUKUMRAN, RESIDING AT POOVAPPALLY S.S. VILLA
PERISERRIMURI, CHENGANNUR, ALAPPUZHA DISTRICT. PIN-688001

4. SARASAMMA, AGED 54,
W/O.SUKUMARAN, RESIDING AT POOVAPPALLY S.S.VILLA
PERISERRI, CHENGANNUR, ALAPPUZHA DISTRICT. PIN-688001

BY ADV. SRI.RAVI KRISHNAN
BY PUBLIC PROSECUTOR SRI. DHANESH MAHEW MANJOORAN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
17-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CrI.MC.No. 4512 of 2015

APPENDIX

ANNEXURES

A1: CERTIFIED COPY CHARGE IN S.C NO.152/2015 ASSISTANT SESSIONS
COURT, CHENGANNUR

A2: AFFIDAVIT OF 2ND RESPONDENT

A3: AFFIDAVIT OF 3RD RESPONDENT

A4: AFFIDAVIT OF 4TH RESPONDENT

TRUE COPY

P.S TO JUDGE

RAJA VIJAYARAGHAVAN.V. J

Crl.M.C. 4512 of 2015

Dated 17th July, 2015

ORDER

1. This petition is filed u/s 482 of the Code of Criminal Procedure by the accused 1 to 3 in S.C.152 of 2015 on the files of the Assistant Sessions Court, Chengannur. The said case had arisen out of crime No.974 of 2009 of Chengannur police station registered at the instance of the 2nd respondent herein alleging offense punishable under S 323, 324, r/w S 34 of the I.P.C.

2. The prayer in this petition is to exercise the inherent powers of this Court under Section 482 of the Code and to quash the pending criminal proceedings. It is submitted that the matter has been settled between the parties inter se.

3. I have heard the learned counsel for the petitioners,

the learned counsel appearing for respondents 2 to 4 and also the learned Public Prosecutor

4. The learned counsel appearing for the petitioners has submitted that at the instance of the father of the 1st petitioner, a crime was registered which has been charge sheeted and the same is pending as S.C.107 of 2012. Parties have mediated at the instance of well wishers and have decided to settle both the cases. The learned counsel appearing for respondents 2 to 4 has submitted that they have filed separate affidavits asserting that the whole disputes between the respondents and petitioners herein have been settled and that they do not wish that the criminal proceedings as against the petitioners should continue any further.

5. 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 have anxiously gone through the relevant records and also the affidavit filed by the defacto complainant. 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 in **Narinder Singh and others v. State of Punjab (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. 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.

5. In the result, this Crl.M.C is allowed. All further proceedings in S.C.152 of 2015 in the files of the Assistant Sessions Court, Chengannur, shall stand quashed.

SD/-
RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

//True Copy//

P.S.ToJudge