

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. 4515 of 2015

CC 1117/2014 of J.M.F.C.-II, THAMARASSERY,
CRIME NO. 505/2014 OF MUKKOM POLICE STATION

PETITIONER(S)/ACCUSED:

KOOTTIL MUHAMMEDALI,
S/O.KUNHIKOYA, MAMBALLY HOUSE, PALIYIL
CHENNAMANGALOOORE, MUKKOM, KOZHIKODE DISTRICT.

BY ADV. SRI.K.RAKESH

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT:

1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
KOCHI - 682 031-THROUGH THE SUB INSPECTOR OF POLICE
MUKKOM POLICE STATION, MALAPPURAM DISTRICT.

2. MARIYAMBI A
D/O.ABOOBACKER, VELLIYENGAL HOUSE, ARIpra P.O.
MALAPPURAM DISTRICT, PIN - 679 321.

BY ADV. SRI.R.RANJITH (K/489/2011)
R BY PUBLIC PROSECUTOR SRI. DHANESH MATHEW MANJOORAN

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

Cr1.MC.No. 4515 of 2015

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE-A: TRUE COPY OF THE F.I.R IN CRIME NO.505/2014 OF THE
MUKKOM POLICE STATION DATED 9.4.1995 ALONG WITH THE COMPLAINT FILED
BY THE 2ND RESPONDENT BEFORE THE J.F.C.M., THAMARASSERY.

ANNEXURE-B: CERTIFIED COPY OF THE CHARGE IN CRIME NO.505/2014 OF
THE MUKKOM POLICE STATION

ANNEXURE-C: TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE 2ND
RESPONDENT DATED 14.7.2015

TRUE COPY

P.S TO JUDGE

RAJA VIJAYARAGHAVAN.V. J

Crl.M.C. 4515 of 2015

Dated 17th July, 2015

ORDER

1. This petition is filed u/s 482 of the Code of Criminal Procedure.
2. The petitioner is the sole accused in C.C.No.1117 of 2014 in the files of the Judicial Magistrate of First Class-II, Thamarassery. The said case arose out of crime No.505 of 2014 of the Mukom police station, Malappuram registered at the instance of the 2nd respondent alleging offenses punishable under S 498 A, 406 and S. 323 of the Indian Penal Code .
3. The 2nd respondent has appeared through counsel and it is submitted that the matter has been settled. She has also filed an affidavit asserting that the entire disputes between herself and the petitioner has been settled and that she has no subsisting grievance.

3. I have heard the learned counsel for the petitioner, the learned counsel appearing for the 2nd respondent and the learned Public Prosecutor.

4. The learned Counsel appearing for the 2nd respondent has submitted that the assertions in the affidavit filed are true and correct. 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 of the Code 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 .

5. In the result, this Crl.M.C. is allowed. All further proceedings in C.C.1117 of 2014 in the files of the Judicial Magistrate of First Class-II Thamarassery, are quashed.

Sd/-

RAJA VIJAYARAGHAVAN.V.
Judge

MrCS

//True Copy//

“C.C.No.1117 of 2014” occurring in the first line of paragraph 2 and in the second line of paragraph 5 of the final order dated 17.7.2015 in Crl.M.C.4515/2015 is corrected as **“C.C.No.1177/2014”** and the name of the district of the police station **“Malappuram”** occurring in the fourth line of paragraph 2 is corrected as **“Kozhikode Rural”** as per order dated 7.12.2015 in Crl.M.A.9523/2015 in Crl.M.C.4515/2015.