

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937

Crl.MC.No. 5761 of 2015 ()

**CC 3927/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT, ALATHUR
CRIME NO. 1527/2014 OF ALATHUR POLICE STATION , PALAKKAD**

PETITIONERS/ACCUSED NOS 1 TO 4 :

- 1. ABDUL SALAM, AGED 41 YEARS,
S/O. SHAHUL HAMEED, MOOCHIKKAD HOUSE,
ALATHUR, PALAKKAD DISTRICT.**
- 2. SAKEER, AGED 31 YEARS, S/O. NOORMUHAMMED,
ALUNGAL HOUSE, MOOCHIKKAD HOUSE
ALATHUR, PALAKKAD DISTRICT.**
- 3. ANEESH, AGED 31 YEARS, S/O. SAIDMUHAMMED,
NEHILA MANZIL, MOOCHIKKAD HOUSE,
ALATHUR, PALAKKAD DISTRICT.**
- 4. FAISAL, AGED 31 YEARS,
S/O. ABDULSALAM, LINK OAD, ALATHUR
PALAKKAD**

BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENTS/DEFACTO COMPLAINANT/ CW1 AND STATE :

- 1. SHAMEER, AGED 28 YEARS,
S/O. MUHAMMED ABDUL KADHER,
MOOCHIKKAD HOUSE, ALATHUR,
PALAKKAD DISTRICT.**
- 2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

**R1 BY ADV. SRI.UNNI SEBASTIAN KAPPEN
R2 BY PUBLIC PROSECUTOR SRI. R. GITHESH**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 21-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Crl.MC.No. 5761 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A: THE PHOTOCOPY OF THE FINAL REPORT IN CC NO. 3927/2014 ON
THE FILE OF THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE,
ALATHUR.**

**ANNEXURE B : AFFIDAVIT SWORN BY THE 1ST RESPONDENT HEREIN EVIDENCING
THE AFORESAID SETTLEMENT.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

RAJA VIJAYARAGHAVAN V, J.

Crl.M.C.No.5761 of 2015

Dated this the 21st day of August, 2015

O R D E R

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

2. The petitioners are the accused Nos. 1 to 4 in C.C.No.3927/2014 on the file of the Judicial First Class Magistrate Court, Alathur. They are charged for having committed offence punishable under sections 323, 341, 355, 427, 294(b) read with section 34 of the Indian Penal Code.

3. The prayer in this Criminal Miscellaneous Case is to quash all further proceedings in the above case. The crime was registered on the basis of the information furnished by the first respondent.

4. The first respondent has filed an affidavit asserting

that he has settled the whole dispute with the petitioners and he has no subsisting grievance.

5. I have heard the learned counsel for the petitioners, the learned counsel for the 1st respondent and also the learned Public Prosecutor.

6. The learned counsel for the first respondent has submitted that the assertions in the affidavit filed by the 1st respondent are true.

7. I have anxiously gone through the relevant records and also the affidavit filed by the de facto complainant. 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 Section 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 offences are not of the gravely objectionable variety. I am convinced that the extraordinary powers under Section 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 and anr.** reported in **(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.

8. 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

Section 482 of the Code of Criminal Procedure.

In the result, this Criminal Miscellaneous Case is allowed, and Annexure A final report and all further proceedings in C.C.No.3927/2014 on the file of the Judicial First Class Magistrate Court, Alathur are hereby quashed.

Sd/-

**RAJA VIJAYARAGHAVAN V,
JUDGE.**

Bb

[True copy]

P.A to Judge