

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, 1937H

Crl.MC.No. 5791 of 2015

CC 1537/2013 of J.M.F.C.-II, ERNAKULAM
CRIME NO. 2957/2012 OF ERNAKULAM CENTRAL POLICE STATION ,
ERNAKULAM

PETITIONER(S):

1. SHAN DHAS N.M., AGED 30 YEARS
S/O. DAS, NISHA BHAVAN, ATHIRUMUGAL P.O.
KODAL, PATHANAMTHITTA.
2. ARUN RAMESH, AGED 26 YEARS,
S/O. RAMESHAN PILLAI, PULINCHUVATTIL HOUSE
PALLIPURAM P.O., CHERTHALA.
3. ARUN GOPI, AGED 27 YEARS,
S/O.K.V. GOPI, KARAPPARAMBIL HOUSE, AZHEEKAL P.O.
VYPPIN.
4. AJAY BABU, AGED 22 YEARS,
S/O. BABU, KIZHAVATTAKATTIL HOUSE, ONAKOOR P.O.
PIRAVOM.

BY ADVS.SRI.A.T.ANILKUMAR
SRI.T.KABIL CHANDRAN

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM. -682031
2. SUB INSPECTOR OF POLICE,
CENTRAL POLICE STATION, ERNAKULAM.-682018
3. AKHIL M.S., AGED 23 YEARS,
S/O. MOHANAN, MASS VILLA, NEMAM VILLAGE
THIRUVANANTHAPURAM.- 695001

R3 BY ADV. SMT.V.SHYLAJA
BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.

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. 5791 of 2015

APPENDIX

ANNEXURES

A- THE TRUE COPY OF THE FIR

B- THE TRUE COPY OF THE FINAL REPORT IN C.C.1537 OF 2013 PENDING
BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II, ERNAKULAM

C- THE TRUE COPY F THE AFFIDAVIT OF THE 3RD RESPONDENT

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P.S TO JUDGE

RAJA VIJAYARAGHAVAN.V. J

Crl.M.C.5791 of 2015

Dated 21st August, 2015

ORDER

1. The petitioners are accused Nos.1 to 4 in C.C.1537 of 2013 on the files of the Judicial Magistrate of First Class-II, Ernakulam. They are charged for having committed offence punishable u/s 323, 341, 506(1) r/w s.34 of the IPC. The prayer in this petition is to quash Annexure-B final report in Crime No.2957 of 2012 of Central Police station and all further proceedings pursuant thereto. Crime was originally registered on the basis of the information given by the 3rd respondent. The 3rd respondent has filed an affidavit asserting that the whole dispute between the petitioners has been settled and he has no grievance or complaint as of now.

2. I have heard the learned counsel for the petitioners, the learned counsel for the 3rd respondent and the learned Public Prosecutor.

3. 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.

4. 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 u/s 482 of the Code of Criminal Procedure.

5. In the result, this Crl.M.C. is allowed. All further proceedings in C.C. No.1537/2013 on the file of the Judicial Magistrate of First Class-II, Ernakulam are hereby quashed.

Sd/-

RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

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