

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

CrI.MC.No. 5833 of 2015 ()

**CC.NO. 1241/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT -II,HOSDURG
CRIME NO. 131/2014 OF HOSDURG POLICE STATION , KASARGOD DISTRICT**

PETITIONER(S)/ACCUSED 1 TO 5 :

- 1. MUHAMMED ASHRAF @ CHOTTA ASHRAF, AGED 36 YEARS,
S/O.KUNHABDULLA, RESIDING AT JAMEELA MANZIL, ATHINHAL,
AJANOR VILLAGE, HOSDURG TALUK, KASARAGOD DISTRICT.**
- 2. SHABEER.M., AGED 31 YEARS, S/O.ABDULLA,
RESIDING AT MOUVAL HOUSE, ATHINHAL, AJANOR VILLAGE,
HOSDURG TALUK, KASARAGOD DISTRICT.**
- 3. C.H.RIYAS, AGED 31 YEARS, S/O.MUHAMMED,
RESIDING AT PALATTU HOUSE, ATHINHAL, AJANOR VILLAGE,
HOSDURG TALUK, KASARAGOD DISTRICT.**
- 4. T.M.SAMEER, AGED 29 YEARS, S/O.KUNHAMAD,
RESIDING AT T.M. HOUSE, THEKKEPURAM, AJANOR VILLAGE,
HOSDURG TALUK, KASARAGOD DISTRICT.**
- 5. MUHAMMED RASHID, AGED 29 YEARS, S/O.ABDUL RAHIMAN,
RESIDING AT DAYA MANZIL, ATHINHAL, AJANOR VILLAGE,
HOSDURG TALUK, KASARAGOD DISTRICT.**

BY ADV. SRI.ROY THOMAS (PATHANAMTHITTA)

RESPONDENT(S)/STATE :

- 1. THE STATE OF KERALA THROUGH THE STATION HOUSE OFFICER,
HOSDURG POLICE STATION, REPRESENTED BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682 031**
- 2. MUHAMMED ANUS.K.M., AGED 21 YEARS,
S/O. MUHAMMED KUNHI, RESIDING AT POONGAVANAM MANZIL,
MANIKOTH.P.O., AJANOR VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT-671 531**

**R1 BY PUBLIC PROSECUTOR SMT. M.T.SHEEBA
R2 BY ADV. SMT.G.SANGEETHA
SRI.T.MADHU**

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

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CRMC.NO.5833/2015

APPENDIX

PETITIONER'S ANNEXURES:

- | | |
|-----------------|---|
| ANNEX A1 | CERTIFIED COPY OF THE FIR IN CRIME NO.131/2014 OF HOSDURG POLICE STATION. |
| ANNEX A2 | CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.131/2014 OF HOSDURG POLICE STATION |
| ANNEX A3 | COPY OF THE AFFIDAVIT DATED 27/7/2015 SWORN IN BY THE 2ND RESPONDENT |
| ANNEX A4 | CERTIFIED COPY OF THE MEMO OF EVIDENCE IN CRIME NO.131/2014 OF HOSDURG POLICE STATION. |

RESPONDENT'S ANNEXURES:

NIL

/TRUE COPY/

P.A.TO JUDGE

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RAJA VIJAYARAGHAVAN V, J.

CrI.M.C.No.5833 of 2015

Dated this the 21st day of August, 2015

O R D E R

Petitioners herein are the accused Nos.1 to 5 in C.C.No.1241/2015 on the files of the Judicial First Class Magistrate Court - II, Hosdurg. They are charged with for having committed offence punishable under sections 143, 147, 148, 341, 323, 324 read with section 149 of the Indian Penal Code.

2. The prayer in this Criminal Miscellaneous Case is to quash all further proceedings in C.C.No.1241/2015 on the files of the Judicial First Class Magistrate Court - II, Hosdurg and to exercise the extraordinary inherent powers of this Court under Section 482 of the Code of Criminal Procedure.

3. The crime was registered originally on the basis of

the statement filed by one Muhammed Anus who has been arrayed as the second respondent in this proceedings. The second respondent has filed an affidavit through his counsel asserting that he has settled the whole dispute with the petitioners and that he has no subsisting grievance.

4. I have heard the learned counsel for the petitioners as well as the learned counsel for the second respondent and also the learned Public Prosecutor.

5. The learned counsel for the second respondent has submitted that the assertions in the affidavit filed by the second respondent are true.

6. 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.

7. 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-A2 final report and all further proceedings in C.C.No.1241/2015 on the files of the Judicial First Class Magistrate Court - II, Hosdurg are hereby quashed.

Sd/-

**RAJA VIJAYARAGHAVAN V,
JUDGE.**

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[True copy]

P.A to Judge