

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. 5871 of 2015 ()

CC 1591/2012 of J.M.F.C.-II, ERNAKULAM

CRIME NO. 144/2012 OF ERNAKULAM CENTRAL POLICE STATION , ERNAKULAM

PETITIONER(S):

1. ANSHU E.S. AGED 27, S.S.VILLA,
EEYAPADOM, VELLARADA P.O.,
THIRUVANANTHAPURAM
2. SHAN DHAS N.M., AGED 30 YEARS,
S/O DAS, NISHA BHAVAN, ATHIRUMUGAL P.O.,
KODAL, PATHANAMTHITTA
3. ARUN RAMESH, AGED 26 YEARS,
S/O RAMESHAN PILLAI, PULINCHUVATTIL HOUSE,
PALLIPURAM P.O., CHERTHALA
4. ARUN GOPI, AGED 27 YEARS, S/O K.V.GOPI,
KARAPPARAMBIL HOUSE, AZHEEKAL P.O., VYPPIN

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

RESPONDENT(S):

1. STATE OF KERALA REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN 682031
2. SUB INSPECTOR OF POLICE,
CENTRAL POLICE STATION, ERNAKULAM- 682018
3. BABU SALIH, AGED 26 YEARS, S/O HASSAN T.S.
MANGALATH HOUSE, NELLIKUZHI P.O.,
KOTHAMANGALAM- 686691

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

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

APPENDIX

ANNEXURES

- A- THE TRUE COPY OF THE FIR
- B- THE TRUE COPY OF THE FINAL REPORT IN C.C.1591 OF 2012 PENDING
BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II ERNAKULAM
- C- THE TRUE COPY OF THE AFFIDAVIT OF THE 3RD RESPONDENT

TRUE COPY

P.S TO JUDGE

RAJA VIJAYARAGHAVAN.V. J

Crl.M.C.5871 of 2015

Dated 21st August, 2015

ORDER

1. The petitioners are accused Nos.1 to 4 in C.C.1591 of 2012 on the files of the Judicial Magistrate of First Class-II, Ernakulam. They are charged for having committed offence punishable u/s 323, 341, 294(b) r/w s.34 of the IPC. The prayer in this case is to quash Annexure-B final report and all further proceedings pursuant thereto. The instant crime was registered based on the information furnished by one Babu Salih who has been arrayed as the 3rd respondent in the case.

2. The 3rd respondent has filed an affidavit in which it is stated that the petitioners as well as the 3rd respondent were students of the Government

Law College, Ernakulam, when this incident had occurred. It is further submitted in the affidavit that the matter has been settled between the parties *inter se*.

3. Heard the learned counsel for the petitioners, the learned counsel appearing for the 3rd respondent and the learned Public Prosecutor.

4. The learned counsel for the 3rd respondent has submitted that the assertions in the affidavit filed by the 3rd respondent are true. 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 u/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 u/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.

5. I am, therefore, of the view that the criminal proceedings pending as against the petitioners can be quashed by invoking inherent powers of this Court u/s 482 of the Code of Criminal Procedure.

6. In the result, this Crl.M.C is allowed. All further

proceedings in C.C.1591 of 2012 on the files of the Judicial Magistrate of First Class-II, Ernakulam, are hereby quashed.

SD/-

RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

//True Copy//

P.S.To Judge