

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

TUESDAY, THE 30TH DAY OF JUNE 2015/9TH ASHADHA, 1937

Crl.MC.No. 7106 of 2014 ()

CRIME NO. 1916/2014 OF NJARAKKAL POLICE STATION , ERNAKULAM

PETITIONER(S)/PETITIONERS/ACCUSED:

**NIDEESH A.S. AGED 25 YEARS,
S/O SHAJI, ANJALASSERY HOUSE, PUTHUVYPPU P.O.
VYPIN, ERNAKULAM DISTRICT, PIN:682 508.**

BY ADV. SRI.E.C.BINEESH

RESPONDENT(S)/RESPONDENT/STATE AND COMPLAINANT:

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.**
- 2. PRASOBH M.P., AGED 34 YEARS,
S/O PRAKASHAN, RESIDING AT MOOTHAPARAMBIL HOUSE,
SCHOOMUTTAM, PUTHUVYPPU VILLAGE, KOCHI TALUK,
VYPIN, ERNAKULAM DISTRICT, PIN:682 508.**

**R2 BY ADV. SMT.M.B.SHYNI
R1 BY PUBLIC PROSECUTOR SMT.MADHUBEN**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 30-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 7106 of 2014 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1: A CERTIFIED COPY OF THE FIRST INFORMATION REPORT IN CRIME
NO.1916/2014.**

**ANNEXURE A2: A TRUE COPY OF THE AFFIDAVIT SWORN BY 2ND RESPONDENT DATED
1.12.2014.**

**ANNEXURE A3: A TRUE COPY OF THE CHARGE SHEET IN CRIME NO.1916/2014 OF
NJARAKKAL POLICE STATION, ERNAKULAM DISTRICT.**

RESPONDENT(S)' EXHIBITS

NIL

//True Copy//

P.A. To Judge

Bb

RAJA VIJAYARAGHAVAN V, J.

CrI.M.C.No.7106 of 2014

Dated this the 30th day of June, 2015

O R D E R

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

2. The petitioner is the sole accused in Crime No.1916/2014 of Njarakkal Police Station, Ernakulam District. He is charged with having committed offence punishable under Sections 294(b), 323, 447 of the Indian Penal Code.

3. The prayer in this Criminal Miscellaneous Case is to exercise the extraordinary inherent powers of this Court under Section 482 of the Code of Criminal Procedure and to quash the pending criminal proceedings. The respondent No.2 is the de facto complainant.

4. The second respondent has entered appearance through counsel. He has also filed an affidavit swearing that the matter has been settled between the parties and that he does not wish that the criminal proceedings as against the petitioner should continue.

5. I have heard the learned counsel for the petitioner, the learned counsel for the second respondent and also the learned Public Prosecutor.

6. The learned counsel for the second respondent has submitted that the assertions in the affidavit filed by the 2nd 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 offenses 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** 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 petitioner 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 all further proceedings in Crime No.1916/2014 of Njarakkal Police Station, Ernakulam District is quashed.

Sd/-
**RAJA VIJAYARAGHAVAN V,
JUDGE.**

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[True copy]

P.A to Judge