

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937201

Crl.MC.No. 7429 of 2014 ()

**AGAINST THE JUDGMENT IN C.C.NO.715/2012 of JUDICIAL FIRST CLASS MAGISTRATE
COURT-I, ATTINGAL
CRIME NO. 142/2012 OF ATTINGAL POLICE STATION, THIRUVANANTHAPURAM**

PETITIONER(S)/ACCUSED:

**MANOJ, AGED 31 YEARS,
S/O.GANESHAN ASHARI, HOUSE NO.76, TC/31/1469,
KALPAKA NAGAR, CHAKKA DESOM, PETTAH VILLAGE
THIRUVANANTHAPURAM.**

BY ADV. SRI.SHAJIN S.HAMEED

RESPONDENT(S)/STATE, CW1 & CW2:

- 1. STATE OF KERALA
REPRESENTED BY THE INSPECTOR OF POLICE, ATTINGAL
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM-682 031.**
- 2. AKSHAYA, AGED 24 YEARS
D/O.JAYASREE, SHILI LAND,
NEAR ATTINGAL MUNICIPAL OFFICE,
CHITTATTINKARA DESOM, AVANAVANCHERRY VILLAGE
CHIRAYINKIL TALUK, THIRUVANANTHAPURAM-695 304.**
- 3. LINS, AGED 33 YEARS
S/O.RAVEENDRAN, SHILI LAND
NEAR ATTINGAL MUNICIPAL OFFICE,
CHITTATTINKARA DESOM, AVANAVANCHERRY VILLAGE
CHIRAYINKIL TALUK, THIRUVANANTHAPURAM-695 304.**

**R2 & R3 BY ADV. SRI.A.K.RAJESH
R1 BY PUBLIC PROSECUTOR SRI.GITHESH.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 7429 of 2014 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE-A. PHOTOCOPY OF THE FINAL REPORT IN CRIME NO.142/2012 OF ATTINGAL
POLICE STATION**

**ANNEXURE-B. AFFIDAVIT EXECUTED BY THE 2ND RESPONDENT STATING SETTLEMENT
OF DISPUTE**

**ANNEXURE-C. AFFIDAVIT EXECUTED BY THE 3RD RESPONDENT STATING SETTLEMENT
OF DISPUTE**

RESPONDENT(S)' EXHIBITS

NIL

//True Copy//

P.A. To Judge

Bb

RAJA VIJAYARAGHAVAN V, J.

Crl.M.C.No.7429 of 2014

Dated this the 26th day of June, 2015

O R D E R

This petition is filed under section 482 of Code of Criminal Procedure.

2. The petitioner is the accused in C.C.No.715/2012 in the files of the Judicial First Class Magistrate Court - I, Attingal. He is charged for having committed offences punishable under Section 384 of Indian Penal Code and Section 66-E of The Information Technology Act, 2000.

3. The prayer in this Criminal Miscellaneous Case is to quash Annexure-A Final report and all further proceedings against the petitioner in C.C.No.715/2012 on the file of the Judicial First Class Magistrate Court - I, Attingal.

4. The said crime was registered on the basis of the information given by Akshaya, who has been arrayed as the second respondent in this proceedings. The second respondent has filed an affidavit asserting that she has settled the whole dispute between her and the petitioner herein. The third respondent in this petition is the husband of the second

respondent and he has also filed an affidavit asserting that the dispute between the second respondent and the petitioner has been settled.

5. I have heard the learned counsel for the petitioner, the learned counsel appearing for the respondents 2 and 3 and also the learned Public Prosecutor.

6. The learned counsel appearing for the respondents 2 and 3 have asserted before me that the assertions in the affidavit are true.

7. The learned Public Prosecutor, on instructions, submitted that the offences are grave and it is not just and proper to quash the proceedings at this stage.

8. I have anxiously gone through the relevant records and also the affidavit filed by the defacto 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 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 variety. 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 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.

9. 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 Crl.M.C. is allowed and Annexure-A final report in C.C.No.715/2012 of Judicial First Class Magistrate Court-I, Attingal and all further proceedings in the said case are quashed.

Sd/-
RAJA VIJAYARAGHAVAN V, JUDGE.

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[True copy]

P.A to Judge