

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ALEXANDER THOMAS

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937

Crl.MC.No.966 of 2015

***CC NO.695/2012 of JUDICIAL FIRST CLASS MAGISTRATE COURT-III,PUNALUR.
(DELETED).**

***S.C. NO.321/2015 OF THE PRINCIPAL SESIONS COURT,KOLLAM.
CRIME NO.641/2011 OF PATHANAPURAM POLICE STATION,KOLLAM.**

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PETITIONER/ACCUSED:

- 1. SHAIJU P.M,S/O.PEERU MOHAMMED,
PULIMOOTTIL VEEDU,PUNNALA P.O,
PUNNALA VILLAGE,PATHANAPURAM,
KOLLAM DISTRICT.**
- 2. HUNAI S P.M.B SAHIB,S/O.BASHEER SAHIB,
CHARUVILA VEEDU,PUNNALA P.O.,PUNNALA VILLAGE,
PATHANAPURAM,KOLLAM DISTRICT.**

BY ADV.SRI.B.MOHANLAL

RESPONDENT'S/COMPLAINANT:

- 1. STATE REP.BY THE STATION HOUSE OFFICER,
PATHANAPURAM POLICE STATION,
KOLLAM DISTRICT,THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM.**
- 2. SRI.VISHNU,S/O.MANIKUMAR,AYATHIVILA PADINJATTETHIL,
NELLIMURUPPU,PUNNALA P.O,PUNNALA VILLAGE,
PATHANAPURAM,KOLLAM DISTRICT,PIN-689706.**

**R1 BY PUBLIC PROSECUTOR SMT.S.HYMA.
R2 BY ADV.SRI.A.SANIL KUMAR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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CrI.MC.No.966 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEXURE A1:THE TRUE CERTIFIED COPY OF THE FIR AND FIS IN CRIME
NO.641/2011 OF PATHANAPURAM POLICE STATION IN KOLLAM
DISTRICT.**

**ANNEXURE A2:THE TRUE CERTIFIED COPY OF THE FINAL REPOERT IN CRIME
NO.641/2011 OF PATHANAPURAM POLICE STATION IN KOLLAM
DISTRICT PENDING AS CC NO.695/2012 ON THE FILE OF THE
JUDICIAL FIRST CLASS MAGISTRATE COURT-III, PUNALUR.**

**ANNEXURE A3:THE TRUE COPY OF THE AFFIDAVIT DATED 29.1.2015 FILED BY
THE 2ND RESPONDENT.**

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

ALEXANDER THOMAS, J.

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Crl.M.C.No. 966 of 2015

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Dated this the 5th day of June, 2015

O R D E R

The petitioners herein are accused Nos.1 and 2 in the impugned Anx.A-1 Crime No.641/2011 of Pathanapuram Police Station registered for offences punishable under Secs.143, 147, 148, 451, 323, 324, 294(b) read with Sec.149 of the I.P.C. The Police, after investigation submitted the impugned Anx.A-2 final report/charge sheet in the above said crime, which has led to the pendency of Sessions Case, S.C.No.321/2015 on the file of the Principal Sessions Court, Kollam. It is stated that now the entire disputes between the petitioners and 2nd respondent defacto complainant have been settled amicably and that the 2nd respondent has sworn to Anx.A-3 affidavit before this Court, wherein it is stated that he has settled the entire disputes with the petitioners and that he has no objection in the quashment of the impugned criminal proceedings pending against the petitioners. It is in the light of these aspects that the petitioners have preferred the instant Crl.M.C. with the prayer to quash the impugned criminal

proceedings against them.

2. In a catena of decisions, the Apex Court has held that, in appropriate cases involving even non-compoundable offences, the High Court can quash prosecution by exercise of the powers under Sec.482 of the Cr.P.C., if the parties have really settled the whole dispute or if the continuance of the prosecution will not serve any purpose. Here, this Court finds a real case of settlement between the parties and it is also found that continuance of the prosecution in such a situation will not serve any purpose other than wasting the precious time of the court, when the case ultimately comes before the court. On a perusal of the petition and on a close scrutiny of the investigation materials on record and the affidavit of settlement and taking into account the attendant facts and circumstances of this case, this Court is of the considered opinion that the legal principles laid down by the Apex Court in the cases as in *Gian Singh v. State of Punjab* reported in 2013 (1) SCC (Cri) 160 = (2012) 10 SCC 303 and *Narinder Singh and others v. State of Punjab and anr.* reported in (2014) 6 SCC 466, more particularly paragraph 29 thereof, could be applied in this case to consider the prayer for quashment.

Accordingly, it is ordered in the interest of justice that the impugned Anx.A-2 final report/charge sheet filed in the impugned Anx.A-1 Crime No.641/2011 of Pathanapuram Police Station, which has led to the pendency of Sessions Case, S.C.No.321/2015 on the file of the Principal Sessions Court, Kollam, and all further proceedings arising therefrom pending against the petitioners stand quashed.

With these observations and directions this Crl.M.C. stands finally disposed of.

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge