

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 9TH DAY OF JUNE 2015/19TH JYAISHTA, 1937

CrI.MC.No. 1433 of 2015 ()

CRIME NO. 1149/2014 OF WALAYAR POLICE STATION , PALAKKAD DISTRICT

PETITIONER/ACCUSED:

**RAMA MOORTHY,
S/O.GURU SWAMY, AGED 56 YEARS,
V.V.K.NAGAR, K.N.PUDUR,
KANJIKODE P.O, PALAKKAD.**

**BY ADVS.SRI.BINOY VASUDEVAN
SMT.P.G.BABITHA**

RESPONDENT(S)/STATE & COMPLAINANT :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031**
- 2. THE SUB INSPECTOR OF POLICE,
WALAYAR POLICE STATION, WALAYAR P.O,
PALAKKAD DISTRICT-678 105**
- 3. SHIJU MATHEW,
S/O.MATHEW, MANAGING PARTNER, ZION INDUSTRIES ,
NEW INDUSTRIAL DEVELOPMENT AREA (INDIA), KANJIKODE,
PUTHUSSERY CENTRAL, PALAKKAD DISTRICT -678 103**

**R1 & R2 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE
R3 BY ADV. SRI.MOHAN JACOB GEORGE**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 09-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

Crl.MC.No. 1433 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX A: TRUE COPY OF THE COMPLAINT PREFERRED BY THE 3RD
RESPONDENT**

**ANNEX B: TRUE COPY OF THE FIR IN CIRME NO.1149/2014 OF WALAYAR POLICE
STATION**

ANNEX C: AFFIDAVIT PREFERRED BY THE 3RD RESPONDENT.

RESPONDENT(S)' ANNEXURES:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

ALEXANDER THOMAS, J.

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Crl.M.C.No. 1433 of 2015

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Dated this the 9th day of June, 2015

O R D E R

The petitioner herein is the 1st accused in the impugned Anx.B FIR in Crime No.1149/2014 of Walayar Police Station, registered for offences punishable under Secs.143, 147 384 read with Sec.149 of the I.P.C. It is stated that now the entire disputes between the petitioner and 3rd respondent defacto complainant have been settled amicably and that the 3rd respondent has sworn to Anx.C affidavit before this Court, wherein it is stated that he has settled the entire disputes with the petitioner and that he has no objection for quashment of the impugned criminal proceedings pending against the petitioner. It is in the light of these aspects that the petitioner has preferred the instant Crl.M.C. with the prayer to quash the impugned criminal proceedings against him.

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.B FIR in Crime No.1149/2014 of Walayar Police Station and all further proceedings arising therefrom pending against the petitioner stand quashed.

The CrI.M.C. is disposed of as above.

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge

