

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

Crl.MC.No. 1593 of 2015

S.C.NO.637/2014 OF ASSISTANT SESSIONS COURT, MANJERI

CRIME NO. 461/2012 OF PANDIKKAD POLICE STATION, MALAPPURAM DISTRICT

PETITIONER(S)/1ST TO 8TH ACCUSED :

1. **FAYIZ.M @ PATTAR BABU,**
S/O.MOHAMMEDALI, MANCHERI HOUSE, PANDIKKAD P.O.,
MALAPPURAM DISTRICT.
2. **SALMAN FARIS,**
S/O.ABDU, KANAKKANTHODIKA HOUSE, PANDIKKAD P.O.,
MALAPPURAM DISTRICT.
3. **ANAS MON,**
S/O.MARAKKAR, PATTIYIL HOUSE, PANDIKKAD P.O.,
MALAPPURAM DISTRICT.
4. **NIYAS,**
S/O.UMMER, THACHANKODAN HOUSE, PANDIKKAD P.O.,
MALAPPURAM DISTRICT.
5. **AJASALI,**
S/O.ALAVI, KODALI HOUSE, PANDIKKAD P.O.,
MALAPPURAM DISTRICT.
6. **SHIJAS,**
S/O.ABDUNASAR, KUNNATHODIKA HOUSE, PANDIKKAD P.O.,
MALAPPURAM DISTRICT.
7. **MOHAMMED SHAFEEQUE,**
S/O.MOHAMMEDALI, MANI HOUSE, PANDIKKAD P.O.,
MALAPPURAM DISTRICT.
8. **ANSHADALI,**
S/O.SAIDALI, MULLATH HOUSE, PANDIKKAD P.O.,
MALAPPURAM DISTRICT.

BY ADV. SRI.K.C.ANTONY MATHEW

RESPONDENT(S)/STATE/DEFACTO COMPLAINANT:

1. **THE STATE OF KERALA,**
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

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2. JAISID,
S/O.MOOSA, MATTAYI HOUSE, KODASSERI,
CHEMBRASSERI P.O., ERNAD TALUK, MALAPPURAM DISTRICT.
3. THASHREEF,
S/O.MOIDEEN, MATTAYI HOUSE, KODASSERI,
CHEMBRASSERI P.O., ERNAD TALUK, MALAPPURAM DISTRICT.
4. SUHAIL,
S/O.ABOOBACKER, MATTAYI HOUSE, KODASSERI,
CHEMBRASSERI P.O., ERNAD TALUK, MALAPPURAM DISTRICT.
5. UMMER,
S/O.UNNAYLI HAJI, THOTTOORAN HOUSE, KODASSERI,
CHEMBRASSERI P.O., ERNAD TALUK, MALAPPURAM DISTRICT.
6. JAMSHEED,
S/O.MOOSA, MATTAYI HOUSE, KODASSERI,
CHEMBRASSERI P.O., ERNAD TALUK, MALAPPURAM DISTRICT.
7. JUNAID,
S/O.ASSAINAR, PULATH HOUSE, KODASSERI,
CHEMBRASSERI P.O., ERNAD TALUK, MALAPPURAM DISTRICT.
8. FAYIZ,
S/O.MOHAMMED, PALOORAN HOUSE, KODASSERI,
CHEMBRASSERI P.O., ERNAD TALUK, MALAPPURAM DISTRICT.
9. BIJILAD,
S/O.MOHAMMED, CHERUKAPALLI HOUSE,
VALLUVANGAD AMSOM DESOM, VALLUVANGAD SOUTH P.O.,
ERNAD TALUK, MALAPPURAM DISTRICT.
10. SREEJIN,
S/O.SIVARAMAN, KUTTIKATTUTHODI HOUSE, KODASSERI,
CHEMBRASSERI P.O., ERNAD TALUK, MALAPPURAM DISTRICT.
11. SADIQ,
S/O.SULAIMAN, THEKKAN HOUSE, PORUR AMSOM DESOM,
AYANIKKODE, NILAMBUR TALUK, MALAPPURAM DISTRICT.

R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE
R2 TO R11 BY ADV. SRI.P.SAMSUDIN

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 04-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE-1: CERTIFIED COPY OF FIR AND FIS IN CRIME NO.461/2012 OF PANDIKKAD POLICE STATION.**
- ANNEXURE-2: CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.461/2012 OF PANDIKKAD POLICE STATION.**
- ANNEXURE-3: MEMORANDUM OF EVIDENCE IN CRIME NO.461/2012 OF PANDIKKAD POLICE STATION.**
- ANNEXURE-4: AFFIDAVIT OF 2ND TO 11TH RESPONDENTS.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

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Crl.M.C.No. 1593 of 2015

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Dated this the 6th day of June, 2015

O R D E R

The petitioners herein are accused Nos.1 to 8 in the impugned Anx.2 final report/charge sheet filed in Anx.1 Crime No.461/2012 of Pandikkadu Police Station registered for offences punishable under Secs.143, 147, 148, 341, 323, 324, 308 read with Sec.149 of the I.P.C, which has led to the institution of Sessions Case, S.C.No.637/2014 on the file of the Assistant Sessions Court, Manjeri. It is stated that now the entire disputes, which has led to the institution of the above referred crime, between the petitioners on the one hand and respondents 2 to 11 on the other have been settled amicably and that the respondents 2 to 11 have sworn to affidavits before this Court, wherein it is stated that they have settled the entire disputes with the petitioners herein and that they have no objection for quashment of the impugned criminal proceedings pending against the petitioners herein. 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.2 final report/charge sheet filed in Anx.1 Crime No.461/2012 of Pandikkadu Police Station, which has led to the institution of Sessions Case, S.C.No.637/2014 on the file of the Assistant Sessions Court, Manjeri, all further proceedings arising therefrom pending against the petitioners herein 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