

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937

Crl.MC.No. 2096 of 2015 ()

CRIME NO. 331/2015 OF KANNUR TOWN POLICE STATION.

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PETITIONERS/ACCUSED :

- 1. ASHRAF C.K., S/O. ABDULLA,
AGED 34 YEARS, CHILLAKKUNNUMMAL HOUSE,
THIRUVALLUR P.O., VATAKARA TALUK, KOZHIKODE-673 103.**
- 2. ABDUL JALEEL, S/O. MUHAMMED,
AGED 24 YEARS, PARAMBATHIL HOUSE,
THIRUVALLUR P.O. VATAKARA TALUK, KOZHIKODE-673 103.**
- 3. NAVAS K.T., S/O. MOIDU HAJI,
AGED 25 YEARS, KUNNOTHAREMMAL HOUSE,
THIRUVALLUR P.O., VATAKARA TALUK, KOZHIKODE-673 103.**
- 4. SAMEER K.T., S/O. MOOSSA,
AGED 24 YEARS, KUNNOTHERAMMEL HOUSE,
THIRUVALLUR P.O., VATAKARA TALUK, KOZHIKODE-673 103.**
- 5. ASHRAF M., S/O. MOISU, AGED 37 YEARS,
MEETHALEMACHILOTTU HOUSE,
THIRUVALLUR P.O., VATAKARA TALUK, KOZHIKODE-673 103.**
- 6. VAHID, S/O. MOIDU HAJI,
AGED 29 YEARS, KUNNOTHAREMMAL HOUSE,
THIRUVALLUR P.O., VATAKARA TALUK,
KOZHIKODE-673 103.**

**BY ADVS.SRI.G.SREEKUMAR (CHELUR),
SRI.K.ASHIS.**

RESPONDENT/RESPONDENT/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN-682 031.**
- 2. SREEJITH, S/O. RAMAN, AGED 36 YEARS,
PADINJAREPOKKOTTUMMAL HOUSE,
THIRUVALLUR AMSOM DESOM,
VATAKARA TALUK, KOZHIKODE-673 103.**

**R1 BY PUBLIC PROSECUTOR SRI.GITHESH. R.
R2 BY ADV. SRI.N.L.BITTO**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 03-07-2015, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

ANNEXURE I : CERTIFIED COPY OF THE FIR IN CRIME NO.660 OF 2011 OF BADAGARA POLICE STATION, DATED 18.06.2011.

ANNEXURE II: CERTIFIED COPY OF THE CHARGE GIVEN IN CRIME NO.660 OF 2011 OF BADAGARA POLICE STATION, DATED 05.12.2011.

ANNEXURE III: AFFIDAVIT DATED 09.03.2015 SWORN BY THE 2ND RESPONDENT.

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

ALEXANDER THOMAS, J.

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Crl.M.C.No. 2096 of 2015

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Dated this the 3rd day of July, 2015

ORDER

The petitioners herein are the accused in the impugned Anx.A-II final report/charge sheet filed in Anx.I FIR in Crime No. 660/2011 of Vadakara Police Station, registered for offences punishable under Secs.143, 147, 148, 341, 324, 308 read with Sec.149 of the I.P.C., which has led to the institution of Sessions Case, S.C.No.274/2012 on the file of the Assistant Sessions Court, Vadakara. 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.III affidavit before this Court, wherein it is stated that he has settled the entire disputes with the petitioners and that he has no objection for 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-11 final report/charge sheet filed in Anx.I FIR in Crime No.

660/2011 of Vadakara Police Station, which has led to the institution of Sessions Case, S.C.No.274/2012 on the file of the Assistant Sessions Court, Vadakara, and 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