IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937

Crl.MC.No. 2125 of 2015

CRIME NO. 482/2011 OF PATHANAMTHITTA POLICE STATION, PATHANAMTITTA

PETITIONER(S)/ACCUSED 1-5:

1. **HARIKUMAR, AGED 38 YEARS,**
   S/O.RAMACHANDRAN NAIR, PUNNAMOOTTIL VEEDU,
   RANDALUMOODU, PONGALADI PARANTHAL P.O.,
   PATHANAMTHITTA DISTRICT.

2. **RENJITH, AGED 29 YEARS,**
   S/O.RAMACHANDRAN NAIR, PALAVILA PUTHEN VEEDU,
   PANNIVIZHA, ANANDAPPALLY P.O.,
   PATHANAMTHITTA DISTRICT.

3. **SAJITHA BABU, AGED 24 YEARS,**
   S/O.BABU, VATTAKKUNNIL VEEDU, PANNIVIZHA,
   ANANDAPPALLY P.O., PATHANAMTHITTA DISTRICT.

4. **JOHN DAVID, AGED 25 YEARS,**
   S/O.DAVID DENNIS, THIRUHRIDAYA BHAVAN, PANNIVIZHA,
   ANANDAPPALLY P.O., PATHANAMTHITTA DISTRICT.

5. **ANEESH, AGED 32 YEARS,**
   S/O.BHAGEERATHAN, ANEESH BHAVAN, PANNIVIZHA,
   ANANDAPPALLY P.O., PATHANAMTHITTA DISTRICT.

BY ADV. SRI.D.KISHORE

RESPONDENT(S)/STATE, COMPLAINANT AND DEFACTO COMPLAINANT:

1. **STATE OF KERALA,**
   REPRESENTED BY ITS PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM - 682 031.

2. **THE SUB INSPECTOR OF POLICE,**
   PATHANAMTHITTA POLICE STATION,
   PATHANAMTHITTA DISTRICT - 689 645.

msv/

3. SHAJAHAN, AGED 29 YEARS,
S/O.ABDUL KARIM, KARIMPILAYIKKAL VEETTIL,
MANKARAMURI, MANKULAM, KONNI VILLAGE,
PATHANAMTHITTA DISTRICT - 689 645.

R1 & R2 BY PUBLIC PROSECUTOR SRI.N.SURESH
R3 BY ADV. SRI.K.T.SHYAMKUMAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01-07-2015, ALONG WITH CRMC. 2129/2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

msv/

Crl.MC.No. 2125 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEXURE I : CERTIFIED COPY OF THE FIRST INFORMATION REPORT ALONG WITH THE ADDITIONAL REPORTS AND REMAND REQUEST IN CRIME NO.482/2011 OF PATHANAMTHITTA POLICE STATION.

ANNEXURE II : TRUE COPY OF THE AFFIDAVIT DTD.22.3.2015 EXECUTED BY THE 3RD RESPONDENT BEFORE NOTARY PUBLIC.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

ALEXANDER THOMAS, J.

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Crl.M.C.No. 2125 & 2129 of 2015

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Dated this the 1st day of July, 2015

O R D E R

The petitioners in Crl.M.C.No.2125/ are accused Nos.1 to 5 in the impugned Anx.I final report/charge sheet Crime No.482/2011 of Pathanamthitta Police Station, registered for offences punishable under Secs.143, 144, 147, 148, 149, 323, 324 and 307 of the I.P.C., at the instance of respondent No.3 (who is 1st petitioner in Crl.M.C.No.2129/2015). The petitioners in Crl.M.C.No. 2129/2015 are accused Nos.1 and 2 in Anx.I final report/charge sheet filed in Crime No.432/2011 of Adoor Police Station, registered for offences punishable under Secs.323, 324, 325 and 34 of the I.P.C., at the instance of respondent No.3, which has led to the institution of C.C.No. 883/2011 on the file of the Judicial First Class Magistrate's Court, Adoor. It is submitted by both sides that the above referred cases are case and counter case. It is stated that now the entire disputes between the contesting respondents in these Crl.M.Cs. have been settled amicably and that affidavits of the respective

parties have also been filed in these cases, wherein it is stated that they have no objection for quashment of the impugned criminal proceedings pending against their opposite parties in the aforestated crimes. It is in the light of these aspects that the petitioners have preferred the instant Criminal Miscellaneous Cases 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:-

(i) in Crl.M.C.No. 2125/2015 the impugned Anx.I final report/charge sheet filed in Crime No.482/2011 of Pathanamthitta Police Station, and all further proceedings arising therefrom pending against the petitioners therein stand quashed.

(ii) In Crl.M.C.No.2129/2015 the impugned Anx.I final report/charge sheet filed in Crime No.432/2011 of Adoor Police Station, which has led to the institution of C.C.No. 883/2011 on the file of the Judicial First Class Magistrate's Court, Adoor, and all further proceedings arising therefrom pending against the petitioners therein stand quashed.

With these observations and directions these Criminal Miscellaneous Cases stand finally disposed of.

Sd/-

sab ALEXANDER THOMAS, JUDGE

///True copy///

P.S. to Judge