

**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**

**Crl.MC.No. 2171 of 2015 ()**  
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**CC.NO.1369/2011 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KOLLAM  
FIR NO. 1116/2010 OF KILIKOLLUR POLICE STATION, KOLLAM**  
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**PETITIONERS/ACCUSED :**  
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- 1. SHANMUGHASUNDARAM, AGED 75,  
S/O.K.S.MANICKAVASAGOM, PARTNER, NITHIN ENTERPRISES  
2 F - 3, A.S.S.S. ROAD, VIRUDHUNAGAR  
RESIDING AT 345, KATTABHOMAN STREET  
VIRUDHUNAGAR - 626 001.**
- 2. CHANDRIKA RAGHAVAN, AGED 48,  
W/O.RAGHAVAN, PARTNER, NITHIN ENTERPRISES  
2 F - 3, A.S.S .S. ROAD  
VIRUDHUNAGAR, RESIDING AT 2 F - 3, A.S.S.S. ROAD  
VIRUDHUNAGAR -626 001, TAMILNADU.**

**BY ADV. SRI.R.RAJESH (PULLIKADA)**

**RESPONDENTS/STATE :**  
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- 1. THE STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM -682 031.**
- 2. V.JUSHAR  
S/O.VISWAMBARAN,  
SOUPARNIKA, MANGAD P.O.  
KOLLAM - 691 015.**

**R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE**

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

**Mn**

**...2/-**

**Crl.MC.No. 2171 of 2015 ()**  
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**APPENDIX**

**PETITIONERS' ANNEXURES :**  
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**ANNEXURE-I: THE CERTIFIED COPY OF F.I.R NO.1116/10 DATED 10.11.2010 OF  
KILIKOLLUR POLICE STATION.**

**ANNEXURE-II: THE CERTIFIED COPY OF THE FINAL REPORT/CHARGE SHEET.**

**ANNEXURE-III: THE ORIGINAL OF UNDERTAKING GIVEN BY 2ND  
RESPONDENT.**

**RESPONDENT(S)' EXHIBITS : NIL**  
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**//TRUE COPY//**

**P.S. TO JUDGE**

**Mn**

ALEXANDER THOMAS, J.

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Crl.M.C.No. 2171 of 2015

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Dated this the 9<sup>th</sup> day of June, 2015

ORDER

The petitioners herein are accused Nos.1 and 2 in the impugned Anx.1 FIR in Crime No.1116/2010 of Kilikollur Police Station registered for offences punishable under Secs.420 and 34 of the I.P.C., which has led to the institution of C.C.No.1369/2010 on the file of the Judicial First Class Magistrate's Court-I, Kollam. It is stated that now the entire disputes between the petitioners and 2<sup>nd</sup> respondent defacto complainant have been settled amicably and that the 2<sup>nd</sup> respondent has filed Anx.III undertaking 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.1 FIR in Crime No.1116/2010 of Kilikollur Police Station, which has led to the institution of C.C.No.1369/2010 on the file of the

Judicial First Class Magistrate's Court-I, 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.

sd/-  
ALEXANDER THOMAS, JUDGE  
sdk+  
///True copy///

P.S. to Judge