

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYASHTA, 1937

Crl.MC.No. 2216 of 2015

CRIME NO.356 OF 2015 OF MALAPPURAM POLICE STATION

PETITIONER(S)/ACCUSED :

**SADIKH, SON OF SHOUKATH,
VADAKKETHIL VEEDU, KARIMBANAKKUNDU,
PERINTHALMANNA TALUK, MALAPPURAM.**

**BY ADVS.SRI.P.K.NIJOY
SRI.C.JOSEPH JOHNY**

RESPONDENT(S)/STATE & COMPLAINANT :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**
- 2. ABDURAZAK, SON OF ABDURAHIMAN,
KANDANCHIRA, NEAR MALAPPURAM POLICE STATION,
ERANAD TALUK, MALAPPURAM- 676 505.**
- 3. SREEHARI, SON OF ASHOKAN,
PAINGODAN HOUSE, PALEMAADU DESOM,
NILAMBUR TALUK MALAPPURAM- 676 101.**

R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 08-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNX.A1: TRUE COPY OF THE FIR IN CRIME NO.356 OF 2015
DATED 19.02.2015.**

**ANNX.A2: TRUE COPY OF THE AFFIDAVIT DATED 28.02.2015 OF
THE 2ND RESPONDENT.**

**ANNX.A3: TRUE COPY OF THE AFFIDAVIT DATED 05.03.2015 OF
THE 3RD RESPONDENT.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

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Crl.M.C.No. 2216 of 2015

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Dated this the 8th day of June, 2015

O R D E R

The petitioner herein is the sole accused in the impugned Anx.A-1 FIR in Crime No.356/2015 of Malappuram Police Station, registered for offences punishable under Sec.435 of the I.P.C. It is stated that now the entire disputes between the petitioner and 2nd respondent defacto complainant and the 3rd respondent have been settled amicably and that respondents 2 and 3 have sworn to Anxs.A-2 and A-3 affidavits respectively before this Court, wherein it is stated that they have settled the entire disputes with the petitioner and that they have 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.A-1 FIR in Crime No.356/2015 of Malappuram Police Station and all further proceedings arising therefrom pending against the petitioner stand quashed.

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

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///True copy///

P.S. to Judge

Sd/-
ALEXANDER THOMAS, JUDGE

