

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 23RD DAY OF JUNE 2015/2ND ASHADHA, 1937

Crl.MC.No. 2318 of 2015 ()

CRIME NO. 141/2015 OF KODUMON POLICE STATION,PATHANAMTHITTA

PETITIONER/ACCUSED NO.1:

**NAZEER, AGED 21 YEARS,
S/O SIDHIQ, SHAMEER BHAVAN, CHIRANICKAL HOUSE,
PUTHUMALA P.O, IKKADU, KODUMON VILLAGE,
ADOOR TALUK, PATHANAMTHITTA DISTRICT.**

BY ADV. SRI.M.T.SURESHKUMAR

RESPONDENTS/STATE:

- 1. SUDHI.S, AGED 17 YEARS (MINOR),
REPRESENTED BY HIS FATHER, SHAJI,
S/O RAGHAVAN, CHIRANICKAL SHAJI VILASAM,
IKKADU VILLAGE, KODUMON VILLAGE, ADOOR TALUK,
PATHANAMTHITTA DISTRICT-689 645.**
- 2. AKHILMON.T, (MINOR),AGED 17 YEARS,
REPRESENTED BY HIS MOTHER, MOLAMMA THOMAS,
W/O THOMAS KUTTY, ANU BHAVANAM, RANDAMKUTTY,
KODUMON TALUK, KODUMON VILLAGE, ADOOR TALUK,
PATHANAMTHITTA DISTRICT-689 645.**
- 3. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN:682 031.**

**R1 & R2 BY ADV. SRI. AJEESH K.SASI
R3 BY PUBLIC PROSECUTOR SMT. S.HYMA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 23-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

Crl.MC.No. 2318 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX A1: CERTIFIED COPY OF THE FIR AND FIS IN CRIME NO.141 OF 2015 OF
KODUMON POLICE STATION DATED 20.2.2015.**

RESPONDENT(S)' ANNEXURES: **NIL**

/TRUE COPY/

P.A.TO JUDGE

sts

ALEXANDER THOMAS, J.

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Crl.M.C.No. 2318 of 2015

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Dated this the 23rd day of June , 2015

O R D E R

The petitioner herein is the sole accused in the impugned Anx.A-1 FIR and FIS in Crime No.141/2015 of Kodumon Police Station, registered for offences punishable under Secs.323 & 326 of the I.P.C. and Sec.23 of the Juvenile Justice Care and Protection of Children Act, 1986, at the instance of the 1st respondent defacto complainant. The allegation against the petitioner herein is that he assaulted the 2nd respondent suspecting that the 2nd respondent is in love with a relative of the petitioner, in which event, the 1st respondent was also assaulted by the petitioner. It is stated that now the entire disputes between the petitioner on the one hand and respondents 1 and 2 on the other have been settled amicably and that affidavits have been sworn to before this Court by the father and mother of respondents 1 and 2 respectively, wherein it is stated that they have settled the entire disputes with the petitioner herein 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 FIS and FIS in impugned Crime No.141/2015 of Kodumon Police Station, and all further proceedings arising therefrom pending against the petitioner herein stand quashed.

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

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Sd/-
ALEXANDER THOMAS, JUDGE

///True copy///

P.S. to Judge