

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 30TH DAY OF JULY 2015/8TH SRAVANA, 1937

Crl.MC.No. 2374 of 2015

CRIME NO. 11/2014 OF AMINI POLICE STATION , LAKSHADWEEP

PETITIONER(S)/ACCUSED NO.31:

**CHERIYAKOYA POOVAKECHETTA, AGED 27 YEARS,
S/O.ATTAKOYA, POOVAKECHETTA HOUSE, AMINI ISLAND,
UNION TERRITORY OF LAKSHADWEEP.**

**BY ADVS.SRI.A.A.ZIYAD RAHMAN
SRI.LAL K.JOSEPH
SRI.V.S.SHIRAZ BAVA
SRI.JOSEPH KURIAN VALLAMATTAM**

RESPONDENT(S)/COMPLAINANT:

- 1. UNION TERRITORY OF LAKSHADWEEP,
REPRESENTED BY ITS STANDING COUNSEL/PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM.**
- 2. THE CIRCLE INSPECTOR OF POLICE,
AMINI POLICE STATION,
UNION TERRITORY OF LAKSHADWEEP.**
- 3. NALLAKOYA, AGED 60 YEARS,
S/O.ATTAKOYA, THAITHOTTAM, AMINI,
UNION TERRITORY OF LAKSHADWEEP.**

**R1&2 BY ADV. SRI.S.RADHAKRISHNAN,SC,LAKSHADWEEP ADMN
R3 BY ADV. SRI.PHILIP J.VETTICKATTU**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE-A1: THE CERTIFIED COPY OF FIRST INFORMATION REPORT IN CRIME
NO.11/2014 OF AMINI POLICE STATION.**

**ANNEXURE-A2: THE ORIGINAL AFFIDAVIT DATED 24.03.2014 SWORN BY THE 3RD
RESPONDENT.**

**ANNEXURE-A3: TRUE COPY OF THE SAID NOTIFICATION BEARING NO.F
NO.10/25/1996-AC(F) DATED 4.03.2015.**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.

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Crl.M.C.No. 2374 of 2015

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Dated this the 30th day of July, 2015

O R D E R

The petitioner herein is the 31st accused in the impugned Anx.1 FIR in Crime No.11/2014 of Amini Police Station, registered for offences punishable under Secs.143, 144, 147, 148, 448, 427, 379 read with Sec.149 of the I.P.C., at the instance of the 3rd respondent. The prosecution case against the petitioner and 71 other accused persons is that, they being the members of the Nationalist Congress Party, on 19.5.2014 formed themselves into an unlawful assembly, trespassed into the office of the rival political party, viz., Indian National Congress, and took away a motor pump. It is stated that now the entire disputes between the petitioner and the 3rd respondent defacto complainant have been settled amicably and that the 3rd respondent has sworn to Anx. A-3 affidavit before this Court, wherein it is stated that he has settled the entire disputes with the petitioner herein and that he has 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 Cr1.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.1 FIR in Crime No.11/2014 of Amini Police Station and all further proceedings arising therefrom pending against the petitioner herein stand quashed.

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

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge