

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

CrI.MC.No. 1199 of 2014 ()

**SC.NO. 84/2012 OF PRINCIPAL SUB COURT, KOLLAM
CRIME NO. 783/2010 OF KOTTIYAM POLICE STATION , KOLLAM DISTRICT**

PETITIONER(S)/1ST AND 2ND ACCUSED :

- 1. SURESH @ AMBROSE, AGED 45 YEARS,
S/O.AMBROSE, RESIDING AT SURESH VILLAS AM.,
NEAR JAYASREE THEATER, THAZHUTHALA CHERRY,
ADICHANALLOOR VILLAGE, KOTTIYAM, KOLLAM DISTRICT.**
- 2. VISHNU @ ANATHA VISHNU, AGED 29 YEARS,
S/O. SUDAKARAN NAIR, VISHNU MANGALATHU VEEDU,
PATATHILKAVU NAGAR 59, VADAKKEVILLA CHERRIYIL,
VADAKKEVILA VILLAGE, KOTTIYAM, KOLLAM DISTRICT.**

BY ADV. SRI.V.A.AJIVAS

RESPONDENT/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
KOTTIYAM POLICE STATION, KOLLAM DISTRICT,
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**
- 2. BINU, AGED 35 YEARS,S/O. DEVARAJAN,
AMBADI HOUSE, NEAR KURRISHADIMUKKU,
THAZHUTHALA CHERRY, THAZHUTHALA VILLAGE,
KOLLAM.**

**R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE
R2 BY ADV. SMT.M.MANJU (KADAKKAL)**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 22-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.MC.No. 1199 of 2014 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX A1 : COPY OF THE FINAL REPORT IN CRIME NO.783/2010 OF KOTTIYAM
POLICE STATION.**

ANNEX A2 : COPY OF AFFIDAVIT SWORN TO BY THE 2ND RESPONDENT.

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

/TRUE COPY/

P.S.TO JUDGE

sts

ALEXANDER THOMAS, J.

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Crl.M.C.No. 1199 of 2014

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Dated this the 22nd day of June, 2015

O R D E R

The petitioners herein are accused Nos.1 and 2 in the impugned Anx.A-1 final report/charge sheet filed in Crime No.783/2010 of Kottiyam Police Station, registered for offences punishable under Secs.143, 147, 294(b), 452, 427, 308, 120(b) read with Sec.149 of the I.P.C., which has led to the institution of the Sessions Case, S.C.No. 84/2012 on the file of the Subordinate Judge's Court, Kollam. It is submitted by the learned Public Prosecutor that the petitioners herein are not involved in any other criminal case. It is stated that now the entire disputes between the petitioners and 2nd respondent defacto complainant have been settled amicably and that the 2nd respondent has sworn to Anx.A-2 affidavit 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.A-1 final report/charge sheet filed in Crime No.783/2010 of

Kottiyam Police Station, which has led to the institution of the Sessions Case, S.C.No.84/2012 on the file of the Subordinate Judge's Court, 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.

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge