

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. 2593 of 2015

**CC 1118/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-III, PUNALUR
CRIME NO. 214/2012 OF KUNNIKODE POLICE STATION , KOLLAM**

PETITIONERS/ACCUSED NO 1 TO 3:

1. NISSAR @ NIZAMUDHEEN, AGED 44 YEARS,
S/O. MOITHEENKUNJU, MARUTHAVILA THEKKETHIL VEEDU,
KUNNIKODE.
2. SHIHAB, AGED 34 YEARS,
S/O.MUDAR, MELILA MURIYIL, MELILA VILLEGGE.
3. SHAMEER, AGED 31 YEARS,
S/O.IBRAHIMKUTTY, THEKKETHADATHIL PUTHEN VEEDU,
KUNNIKODE, VILAKKUDY VILLAGE.

BY ADV. SRI.R.KRISHNAKUMAR (CHERTHALA)

RESPONDENTS/STATE ,COMPLAINANT & INJURED:

1. STATE OF KERALA,
REP.BY SUB INSPECTOR OF POLICE,
(CRIME NO 214/2012) KUNNIKODE POLICE STATION,
KUNNIKODE, KOLLAM DISTRICT REP.BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. KARNAN, AGED 22 YEARS,
S/O.SASIDHARAN ACHARY, KARNA BHAVAN, NARIKUZHY,
MELILA WEST, MELILA VILLEGGE, KOLLAM DISTRICT.
3. SAJIN, AGED 24 YEARS,
S/O.SASIDHARAN, SOUMYA BHAVAN, CHOORALAKKAZHY
MELILA MURI, MELILA VILLEGGE.

**R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE
R2 & 3 BY ADV. SRI.T.K.BJU (MANJINIKARA)**

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

Crl.MC.No. 2593 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE A1 A TRUE COPY OF THE FINAL REPORT IN CRIME NO 214/2012 OF
KUNNIKODE POLICE STATION,KUNNIKODE**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.

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Crl.M.C.No. 2593 of 2015

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Dated this the 9th day of June, 2015

O R D E R

The petitioners herein are accused Nos.1 to 3 in the impugned Anx.A-1 final report/charge sheet in Crime No.214/2012 of Kunnikode Police Station, registered for offences punishable under Secs.341, 323, 294(b), 506(1) read with Sec.34 of the I.P.C., which has led to the institution of C.C.No.1118/2012 on the file of the Judicial First Class Magistrate's Court-III, Punalur. It is stated that now the entire disputes between the petitioners and respondent Nos.2 and 3 (defacto complainants) have been settled amicably and that the respondents 2 and 3 have sworn to separate affidavits before this Court, wherein it is stated that they have settled the entire disputes with the petitioners and that they have no objection for 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 in Crime No.214/2012 of Kunnikode Police Station, which has led to the institution of C.C.No. 1118/2012 on the file of the Judicial First Class Magistrate's Court-

III, Punalur, 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

///True copy///

P.S. to Judge