

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. 2597 of 2015

**CRIME NO.1970/2014 OF THIRUVALLA POLICE STATION,
PATHANAMTHITTA DISTRICT**

PETITIONER(S)/ACCUSED NOS 1 TO 4 :

- 1. VIJAIKRISHNAN, AGED 24 YEARS,
S/O.GOPALAKRISHNAN, THADATHIL HOUSE, CHUMATHRA P.O.,
THIRUVALLA.**
- 2. THAHA M.A., AGED 26 YEARS,
S/O.AMEER, PUTHUPARAMBU, PUZHABHAGAM,
CHANGANASSERRY.**
- 3. RONI MANI JOSEPH, AGED 31 YEARS,
S/O.JOSEPH, PAROLIL HOUSE, CHERUKOLPUZHA,
PATHANAMTHITTA DISTRICT.**
- 4. JOHN MATHEW, AGED 54 YEARS,
S/O.JOHN.E, INCHAKKATTIL, PRAYAR-PANDANADU NORTH,
CHENGANNOOR.**

**BY ADVS.SRI.N.P.PRAJEESH
SRI.BIJO THOMAS GEORGE**

RESPONDENT(S)/STATE & DE-FACTO COMPLAINANT :

- 1. STATE OF KERALA,
REPRESENTED BY SUB INSPECTOR OF POLICE,
THIRUVALLA POLICE STATION BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**
- 2. C.M.RAHMATHULLA, AGED 64 YEARS,
S/O.UMMERKUTTY, ZIYAD MANZIL, PUZHAVATH P.O.,
PERUNNA VILLAGE, CHANGANASSERY, PROPRIETOR CMR & SON,
OPPOSITE CHILANKA THEATERS, THIRUVALLA- 689101.**

**R1 BY GOVERNMENT PLEADER SMT.SAREENA GEORGE
R2 BY ADV. SRI.TONY AUGUSTINE**

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

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE-A: CERTIFIED COPY OF FIR & FIS IN CRIME NO.1970/14 OF
THIRUVALLA POLICE STATION.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.
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Crl.M.C.No. 2597 of 2015
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Dated this the 9th day of June, 2015
ORDER

The petitioners herein are accused Nos.1 to 4 in the impugned Anx.A FIR in Crime No.1970/2014 of Thiruvalla Police Station registered for offences punishable under Secs.406, 468, 471, 381 and 34 of the I.P.C. 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 affidavit dated 27.4.2015 before this Court, wherein it is stated he has 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 FIR in Crime No.1970/2014 of Thiruvalla Police Station 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

