

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS**

**FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937**

**Crl.MC.No. 2617 of 2015**  
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**CRIME NO. 388/2015 OF PAYYANNUR POLICE STATION, KANNUR**  
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**PETITIONER(S)/DE-FACTO COMPLAINANT AND ACCUSED NOS.1 TO 6:**  
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1. K.V.CHINDA PERUVANNAN, AGED 83 YEARS,  
S/O.CHIRUKANDAN, KARIVELLUR AMSOM DESOM,  
KANNUR DISTRICT.
2. DHANARAJ K.M., AGED 38 YEARS,  
S/O.KANNAN, MANIYATT P.O., THRIKKARIPUR,  
KASARGOD DISTRICT.
3. K.PAVITHRAN, AGED 45 YEARS,  
S/O.RAMAN, PAZHANELLI, NEELESWARAM,  
KASARAGOD.
4. UNNIKRISHNAN V.,  
S/O.AMBU, PERALAM, KOZHUMMA P.O.,  
KANNUR DISTRICT.
5. PRABHAKARAN,  
MANAKKADAN, S/O.KORAN, IDAYILAKKAD,  
THRIKKARIPPUR, KASARAGOD DISTRICT.
6. V.SUMATHI,  
W/O.KUNJIRAMAN, THOTTICHAL, KUNIYAN,  
KARIVELLUR P.O., KANNUR DISTRICT.
7. GIRIJA V.,  
D/O.KANNAN, MANIYATT P.O., THRIKKARIPPUR,  
KASARAGOD DISTRICT.

**BY ADV. SRI.T.V.JAYAKUMAR NAMBOODIRI**

**RESPONDENT(S)/DE FACTO COMPLAINANTS:**  
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**STATE OF KERALA,  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM.**

**BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON  
26-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**msv/**

**APPENDIX**

**PETITIONER(S)' ANNEXURES:**

**ANNEXURE-I: TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME  
NO.388/2015 OF PAYYANNUR POLICE STATION.**

**ANNEXURE-II: TRUE COPY OF THE AFFIDAVIT BY 1ST PETITIONER.**

**ANNEXURE-III: TRUE COPY OF THE AGREEMENT BY 2ND PETITIONER.**

**ANNEXURE-IV: TRUE COPY OF THE AFFIDAVIT BY 1ST PETITIONER.**

**RESPONDENT(S)' ANNEXURES:**

**NIL**

**//TRUE COPY//**

**P.S.TO JUDGE**

Msv/

ALEXANDER THOMAS, J.

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Crl.M.C.No.2617 Of 2015  
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Dated this the 26<sup>th</sup> day of June, 2015.

ORDER

The 1<sup>st</sup> petitioner is the defacto complainant and petitioners 2 to 7 are the accused in Anx-I FIR in Crime No.388/2015 of Payyannur Police Station registered for offences alleged under Secs.143, 147, 323, 452, 427 & 506 r/w 149 IPC. The prosecution allegation is that he accused trespassed into the house of the defacto complainant and tried to evict him and his family by causing mischief causing loss of Rs. 2 Lakhs. It is submitted that the matter has been settled between the parties and that the 1<sup>st</sup> petitioner (defacto complainant) has sworn to Anx-II affidavit wherein he has stated that he has no objection in the quashment of the impugned criminal proceedings pending against the petitioners 2 to 7. It is in the light of these aspects that the petitioners have filed this Crl.M.C seeking the prayer for quashment of the impugned criminal proceedings.

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.

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3. Accordingly, it is ordered in the interest of justice that Anx-I FIR filed in Crime No.388/2015 of Payyannur Police Station and all further proceedings arising therefrom pending against the petitioners 2 to 7 herein stand quashed under Sec.482 of the Code of Criminal Procedure.

With these observations and directions, this Crl.M.C stands finally disposed of.

ALEXANDER THOMAS,  
Judge.

bkn/-