

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

Crl.MC.No. 2650 of 2015 ()

CC. NO.526/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, CHENGANNUR.

PETITIONER/2ND ACCUSED:

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ASOK KUMAR, AGED 54 YEARS,
S/O.VASUDEVAN NAIR, THIRAMATHU PUTHEN VEEDU,
MUNDENCAVU MURI, CHENGANNUR VILLAGE.

BY ADV. SRI.S.HARIKRISHNAN.

RESPONDENTS/COMPLAINANTS:

- 1. STATE OF KERALA,**
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-31.
- 2. THE SUB INSPECTOR OF POLICE,**
CHENGANNUR -689 001.
- 3. ARUN THOMAS,**
AGED 52 YEARS, S/O.K.K. THOMAS,
KANNATTU MALAYIL VEEDU, PERISSERI MURI,
PULIYOOR VILLAGE, CHENGANNUR- 689 001.

R1 & R2 BY PUBLIC PROSECUTOR SMT.S. HYMA.
R3 BY ADV. SRI.M.R.SUDHEENDRAN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 04-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

**ANNX.A1 - A TRUE COPY OF THE RELEVANT PAGES OF FINAL REPORT IN
CRIME NO.978/2011 OF CHENGANNUR POLICE STATION.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

ALEXANDER THOMAS, J.

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Crl.M.C.No.2650 of 2015

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Dated this the 4th day of June, 2015

O R D E R

The petitioner seeks orders quashing impugned Annexure A1 final report/charge sheet filed in Crime No.978 of 2011 of Chengannur Police Station, registered under Sections 477A, 408,381 r/w 34 of the IPC which is now pending as CC No.526/2012 on the file of Judicial First Class Magistrate court-I, Chengannur. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the de facto complainant out of court. The de facto complainant is the 3rd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. He has filed affidavit to the effect that he has settled the whole dispute with the accused and he has no grievance or complaint.

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 continuance of 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 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, the impugned A1 final report/charge sheet filed in crime No.978 of 2011 of Chengannur Police Station, including all further proceedings arising out of C.C.No. 526/2012 on the file of JFMC-I, Chengannur pending against the petitioner herein will

stand quashed under Section 482 of the Code of Criminal Procedure.

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

Sd/- ALEXANDER THOMAS, JUDGE

MJL