

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

CrI.MC.No. 2658 of 2015 ()

**CRIME NO. 102/2015 OF PERUMPADAPPU POLICE STATION,
MALAPPURAM DISTRICT**

PETITIONERS/ACCUSED 1 TO 3 :

- 1. HASEENA UMMER, AGED 25 YEARS,
W/O.UMMER, PUVVARAKAYIL HOUSE, PALAPPETTY (POST),
MALAPPURAM DISTRICT, PIN 679579**
- 2. MAAROOF, AGED 45 YEARS,
S/O.UMMER, PUVVARAKAYIL HOUSE, PALAPPETTY (POST),
MALAPPURAM DISTRICT, PIN 679579**
- 3. SHAJAHAN.K., AGED 42 YEARS, S/O.HYDER,
KIZHAKOOT HOUSE, MANNALAMKUNNU (POST)
THRISSUR DISTRICT, PIN 680518**

BY ADV. SRI.P.K.MOHANAN(PALAKKAD)

**RESPONDENTS/STATE, DEFACTO COMPLAINANT AND FATHER OF THE MINOR
VICTIM :**

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN 682031**
- 2. KAWLATH IBRAHIM, AGED 29 YEARS, W/O.IBRAHIM,
THEKKEKARAYIL HOUSE, KANHIRAMUKKU (POST)
PERUMPADAPPU (VIA), PONNANI TALUK,
MALAPPURAM DISTRICT PIN 679579**
- 3. IBRAHIM, AGED 35 YEARS,
S/O.ABDULLAKUTTY, THEKKEKARAYIL HOUSE,
KANHIRAMUKKU (POST), PERUMPADAPPU (VIA),
PONNANI TALUK, MALAPPURAM DISTRICT, PIN 679579**

**R2 & 3 BY ADV. SRI.K.C.KIRAN
R3 BY PUBLIC PROSECUTOR SMT. HYMA S.**

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

bp

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE 1: TRUE COPY OF THE FIRST INFORMATION STATEMENT AND FIRST INFORMATION REPORT DATED 04.02.2015 OF THE PERUMPADAPPU POLICE STATION, CRIME NO.102/2015.

ANNEXURE 2: TRUE COPY OF THE ACCIDENT REGISTER CUM WOUND CERTIFICATE OF HER MINOR SON MUHAMED SHAJAS AGED 7 YEARS ISSUED BY THE MEDICAL OFFICER OF ARAFA HOSPITAL PVT. LTD., CHANGARAMKULAM DATED 09.02.2015.

ANNEXURE 3: AFFIDAVIT SWORN BY DEFACTO COMPLAINT/2ND RESPONDENT KOWLATH IBRAHIM DATED 17.03.2015.

ANNEXURE 4: AFFIDAVIT OF THE 3RD RESPONDENT/FATHER OF THE VICTIM IBRAHIM T.K. DATED 17.03.2015

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

ALEXANDER THOMAS, J.

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Crl.M.C.No. 2658 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.1 FIR in Crime No.102/2015 of Perumpadappu Police Station registered for offences punishable under Secs.341, 326 read with Sec.34 of the I.P.C. It is stated that now the entire disputes between the petitioners and R-2 (defacto complainant) and R-3 have been settled amicably and that R-2 and R-3 have sworn to Anx.3 and Anx.4 affidavits before this Court, wherein it is stated that they have settled the entire disputes with the petitioners and that they have 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.1 FIR in Crime No.102/2015 of Perumpadappu Police Station, and all further proceedings arising therefrom pending against the petitioners stand quashed.

The CrI.M.C. is disposed of as above.

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge

Cr1.M.C.2658/15

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