

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. 2664 of 2015 ()

CC. NO.1185/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT ,
SASTHAMCOTTA.
CRIME NO. 404/2011 OF SASTHAMCOTTA POLICE STATION, KOLLAM DISTRICT.

PETITIONERS/ACCUSED A1 TO 3 :

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- 1. KIRAN, AGED 25 YEARS,**
S/O.CHANDRAN PILLAI, RESMI BHAVANAM,
AMPALATHUMBHAGOM MURI, PORUVAZHI VILLAGE,
KUNNATHOOR TALUK, KOLLAM DISTRICT.
 - 2. AKHIL, AGED 25 YEARS,**
S/O.NARAYANAN NAIR, KARTHIKAYIL VEEDU,
PADINJARU VADAKKU MURI, SOORANADU THEKKU VILLAGE,
KUNNATHOOR TALUK, KOLLAM DISTRICT.
 - 3. LIJO, AGED 26 YEARS,**
S/O.SAJEENDARAN @ JOY, GIJO BHAVANAM,
NEAR TO ASWATHY JUNCTION,
MUTHUPILAKKADU PADINJARU MURI,
SASTHAMCOTTA VILLAGE, KUNNATHOOR TALUK,
KOLLAM DISTRICT.

BY ADV. SRI.P.VDILEEP.

RESPONDENT/COMPLAINANT:

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- 1. STATE OF KERALA,**
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
 - 2. RATHIN, AGED 24 YEARS,**
S/O.RAJASEKHARAN, KANNAMATH PADINJATTATHIL,
EDAVANASSRI MURI, MYNAGAPPALLY VILLAGE,
KUNNATHOOR TALUK, KOLLAM DISTRICT.

R1 BY PUBLIC PROSECUTOR SMT.S. HYMA.
R2 BY ADV. SRI.K.VANIL KUMAR

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

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

**ANNEXURE A: A TRUE COPY OF FINAL REPORT IN CRIME NO.404/2011 OF
 SASTHAMCOTTA POLICE STATION IN KOLLAM DISTRICT.**

ANNEXURE B: NOTARIZED AFFIDAVIT FILED BY THE 2ND RESPONDENT.

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

ALEXANDER THOMAS, J.

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Crl.M.C.No. 2664 of 2015

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Dated this the 9th day of June, 2015

ORDER

The petitioners herein are accused Nos.1 to 3 in the impugned Anx.A Crime No.404/2011 of Sasthamcotta Police Station registered for offences punishable under Secs.341, 323, 427 read with Sec.34 of the I.P.C., which has led to the institution of C.C.No.1185/2012 on the file of the Judicial First Class Magistrate's Court, Sasthamcotta. 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 Anx.B affidavit before this Court, wherein it is stated that he has settled the entire disputes with the petitioners and that 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 final report/charge sheet in Crime No.404/2011 of Sasthamcotta Police Station, which has led to the institution of

C.C.No.1185/2012 on the file of the Judicial First Class Magistrate's Court, Sasthamcotta and all further proceedings arising therefrom pending against the petitioners stand quashed.

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

sd/-
ALEXANDER THOMAS, JUDGE
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///True copy///

P.S. to Judge