

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 16TH DAY OF JUNE 2015/26TH JYAISHTA, 1937

Crl.MC.No. 2710 of 2015 ()

CRIME NO. 1480/2013 OF PATTAMBI POLICE STATION, PALAKKAD DISTRICT

PETITIONERS/ACCUSED 1 TO 7 :

1. HASHIM THANGAL
S/O. ATTAKOYA THANGAL,
AGED 22 YEARS, POOKILAKATH HOUSE
VALLAPUZHA P.O., MECHERI,
PATTAMBI, PALAKKAD DISTRICT.
2. MUHAMMED ASHIQUE,
S/O. SIDIQUE, AGED 20 YEARS
KANDENKATTIL HOUSE, VALLAPUZHA P.O.,
MECHERI, PATTAMBI, PALAKKAD DISTRICT.
3. RAHEEZ @ RAMEEZ
S/O. ABOOBACKER SIDIQUE,
AGED 23 YEARS, KANDENKATTIL HOUSE
VALLAPUZHA P.O., MECHERI PATTAMBI
PALAKKAD DISTRICT
4. ASLAM,
S/O. KUNJUMANI, AGED 24 YEARS
PANIKKARUPARAMBIIL HOUSE
VALLAPUZHA P.O., MECHERI, PATTAMBI
PALAKKAD DISTRICT
5. JAFFAR,
S/O. MUHAMMED, AGED 24 YEARS
VALLIYIL HOUSE, VALLAPUZHA P.O.,
PATTAMBI, PALAKKAD DISTRICT.
6. ANEZ,
S/O. VEERAN, AGED 21 YEARS
MELETHALAKKAL HOUSE, VALLAPUZHA P.O.,
PATTAMBI, PALAKKAD DISTRICT.
7. MANEESH K.,
S/O. MOHANAN, AGED 21 YEARS
KANIPATH HOUSE, NELLAYA P.O.,
CHERUPLASSERY, PALAKKAD DISTRICT

BY ADV. SRI.MAHESH V. MENON

RESPONDENTS/COMPLAINANT & STATE :

1. THE STATION HOUSE OFFICER
PATTAMBI POLICE STATION, PALAKKAD DISTRICT
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM
2. NOUSHAD, AGED 35 YEARS
S/O. HAMSA, KONGASSERY HOUSE, VALLAPUZHA POST
PATTAMBI, PALAKKAD DISTRICT.
3. SHIHAB, AGED 31 YEARS
S/O. IBRAHIM, MUNDAKKAL HOUSE, VALLAPUZHA POST
PATTAMBI, PALAKKAD DISTRICT.

R1 BY PUBLIC PROSECUTOR SMT. S. HYMA
R2 & R3 BY ADV. SRI.P.K.NIJOY

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 16-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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...3/-

Crl.MC.No. 2710 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE A1: CERTIFIED COPY OF THE FIR IN CRIME NO.1480/2013 OF
PATTAMBI POLICE STATION.**

**ANNEXURE A2: CERTIFIED COPY OF THE FINAL REPORT IN CRIME
NO. 1480/2013 OF PATTAMBI POLICE STATION.**

ANNEXURE A3: AFFIDAVIT DATED 13.4.2015 OF THE 2ND RESPONDENT.

ANNEXURE A3(a): AFFIDAVIT DATED 13.4.2015 OF THE 3RD RESPONDENT

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C.No. 2710 of 2015

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Dated this the 16th day of June, 2015

O R D E R

The petitioners herein are accused Nos.1 to 7 in the impugned Anx.A-2 final report/charge sheet filed in Anx.A-1 FIR in Crime No.1480/2013 of Pattambi Police Station, registered for offences punishable under Secs.143, 147, 148, 341, 323, 324, 326, 308 read with Sec.149 of the I.P.C., which has led to the institution of C.P.Nos.29/2014 and 6/2015 on the file of the Judicial First Class Magistrate's Court, Pattambi. It is stated that now the entire disputes between the petitioners and defacto complainants (R-2 and R-3) have been settled amicably and that respondents 2 and 3 have sworn to Anx.A-3 and A3(a) affidavits respectively before this Court, wherein it is stated that they have settled the entire disputes with the petitioners and that they have 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-2 final report/charge sheet filed in Anx.A-1 FIR in Crime

No.1480/2013 of Pattambi Police Station, which has led to the institution of C.P.Nos.29/2014 and 6/2015 on the file of the Judicial First Class Magistrate's Court, Pattambi, and all further proceedings arising therefrom pending against the petitioners stand quashed.

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

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge