

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 6TH DAY OF JULY 2015/15TH ASHADHA, 193

Crl.MC.No. 2853 of 2015

CC 1146/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-III, NORTH PARAVUR.

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PETITIONER/ACCUSED:

**SAJEEV, AGED 35 YEARS,
S/O.KUNHAYYAPPAN, CHEMBISSERY HOUSE,
PARANGIYATTUKURISUBHAGAM,
PUTHENVELIKKARA, PARAVUR,
ERNAKULAM.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY**

RESPONDENT(S)/STATE/INFORMANT/VICTIM:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM-682031. (CRIME NO.309/2011
OF PUTHENVELIKARA POLICE STATION,
ERNAKULAM DISTRICT)**
- 2. DEEPA, AGED 34 YEARS,
W/O.SAJEEV, CHEMBISSERY VEEDU,
PARANGIYATTUKURISUBHAGAM,
PUTHANVELIKKARA, ERNAKULAM.**

**R1 BY PUBLIC PROSECUTOR SRI.N.SURESH
R2 BY ADV. SRI.VINOD KUMAR.C**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 06-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEXURE I : CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.309/2011 OF PUTHENVELIKARA POLICE STATION WHICH IS PENDING AS CC NO.1146/14 ON THE FILE OF THE JUDICIAL MAGISTRATE OF FIRST CLASS-III, NORTH PARAVUR.

ANNEXURE II : AFFIDAVIT DATED 15-1-2015 SWORN BY THE SECOND RESPONDENT.

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

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ALEXANDER THOMAS, J.

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Dated this the 6th day of July, 2015.

ORDER

The petitioner is the accused in Anx-1 final report/charge sheet filed in Crime No.309/2011 of Puthenvelikkara Police Station registered for offences alleged under Secs.324 & 294(b) of the IPC, which is now pending as C.C.No.1146/2014 on the file of the Judicial First Class Magistrate Court-III, North Paravur. The allegation is that the petitioner-accused (husband of the 2nd respondent) assaulted the defacto complainant and caused injury to the defacto complainant (wife of the petitioner). It is submitted that the matter has been settled between the parties and that they are living together and that the 2nd respondent (defacto complainant) has sworn to Anx-II affidavit wherein she has stated that she has no objection in the quashment of the impugned criminal proceedings pending against the petitioner. It is in the light of these aspects that the petitioner has filed this Crl.M.C seeking the prayer for quashment of the impugned criminal proceedings.

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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 impugned Anx-1 final report/charge sheet filed in Crime No.309/2011 of Puthenvelikkara Police Station, which is now pending as C.C.No.1146/2014 on the file of the Judicial First Class Magistrate Court-III, North Paravur and all further proceedings arising therefrom pending against the petitioner 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/-