

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. 2967 of 2015 ()

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CC. NO.216/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, PAYYANNUR.
CRIME NO. 1433/2012 OF PAYYANNUR POLICE STATION.
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PETITIONERS/ACCUSED NO.1 TO 3:

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- 1. ASEER. A.P., AGED 28 YEARS,
S/O. ASSAINAR, A.P. HOUSE, KANIYERY,
VELLUR AMSOM, KANNUR DISTRICT.**
 - 2. MUHAMMED RAFEEQ, AGED 43 YEARS,
S/O. ASSAINAR, PUNJAKKAD, PAYYANNUR,
KANNUR DISTRICT.**
 - 3. PRIYESH, AGED 35 YEARS,
S/O. GOVINDAN, KURISUMUKKU, KUNNARU,
KANNUR DISTRICT.**

**BY ADVS.SRI.P.S.BINU,
SMT.P.AANEESHA.**

RESPONDENTS/COMPLAINANT:

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- 1. MUHAMMED MUHSIN. M.K.P., AGED 22 YEARS,
S/O. MUHAMMED, M.K.P. HOUSE, PUNJAKKAD,
PAYYANNUR, KANNUR DISTRICT- 670 301.**
 - 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

**R1 BY ADV. SRI.ZUBAIR .
R2 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 09-06-2015, ALONG WITH CRL.MC. NO. 2968 OF 2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

**ANNEXURE I COPY OF THE FIR & POLICE CHARGE IN CRIME NO.1433/2012
OF PAYYANNUR POLICE STATION.**

ANNEXURE II COPY OF THE AFFIDAVIT OF 1ST RESPONDENT.

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

ALEXANDER THOMAS, J.

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Crl.M.C No.2967 of 2015

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Crl.M.C No.2968 of 2015

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Dated this the 9th day of June, 2015

O R D E R

The petitioners in Crl.M.C No.2967 of 2015 are the accused Nos. 1 to 3 in Crime No.1433 of 2012 of the Payyannur Police Station registered for offences under Sections 143, 147, 148, 341, 323, 324 r/w 149 of IPC. The de facto complainant in this case is the contesting respondent No. 1, who is none other than an accused in the counter case and the second petitioner in connected Crl.M.C No.2968 of 2015. Incidentally, the first petitioner in Cl.M.C No.2967 of 2015 is the first respondent in connected Crl.M.C No.2968 of 2015. The petitioners in Crl.M.C No.2968 of 2015 are the accused 1 to 7 in Crime No.1439 of 2012 of the Payyannur police Station registered for offences under Sections 143, 147, 148, 341, 323, 324 r/w 149 of IPC. It is stated that the respective de facto complainants in both these cases and the petitioners concerned have settled all the disputes and the de facto complainants and the other injured persons in both these cases

have also filed affidavits to the effect that they have settled the dispute with the accused and they have no grievance or complaint now.

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, both the Crl.M.Cs stand finally disposed of as follows:

1. In Crl.M.C No. 2967 of 2015, it is ordered that the impugned Annexure 1 final report /charge sheet filed in the impugned Crime 1433/12 of Payyannur Police Station which has led to the pendency of C.C No. 216 of 2013 on the file of JFCM, Payyannur and all further proceedings arising therefrom pending against the petitioners are quashed.

2. In Crl.M.C No.2968/15, it is ordered that the impugned Annexure 1 final report/charge sheet filed in the impugned crime No.1439/2012 on the file of the JFCM, Payyannur with respect to the pendency of C.C No. 193 of 2013 and all further proceedings arising therefrom pending against the petitioners are quashed.

sd/-

sab

ALEXANDER THOMAS, JUDGE