

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

Crl.MC.No. 2977 of 2015

**CC 598/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT -II, KOLLAM.
CRIME NO. 324/2013 OF PALLITHOTTAM POLICE STATION.**
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PETITIONER/ACCUSED:

**AMAL R.KRISHNAN,
S/O.RAMAKRISHNAN, AGED 23 YEARS,
E.NO.50, KOLLAM WEST POLICE QUARTERS,
KAIKULANGARACHERY, KOLLAM WEST VILLAGE,
FROM MELATHIL VEEDU, PADINJATTEKIZHAKKU MURI,
SOORANAD VADAKKU VILLAGE, KOLLAM DISTRICT.**

**BY ADVS.SRI.K.SIJU
SMT.S.SEETHA**

RESPONDENT(S)/DEFACTO COMPLAINANT & STATE:

- 1. STATE OF KERALA,
THROUGH THE SUB INSPECTOR OF POLICE,
PALLITHOTTAM POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA - 682 031.**
- 2. RAJENDRAN, S/O.KUNJU PANICKER,
AGED 55 YEARS, SARASALAYAM,
KAIKULANGARA CHERRY,
KOLLAM WEST VILLAGE, KOLLAM.**

**R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE
R2 BY ADV. SRI.P.K.ANTONY**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 04-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEXURE 1:** THE COPY OF THE FIR WITH FIS IN CRIME NO. 324/2013 OF
PALLITHOTTAM POLICE STATION.
- ANNEXURE 2:** THE COPY OF FINAL REPORT SUBMITTED IN
CRIME NO.324/2013.
- ANNEXURE 3:** THE COPY OF AFFIDAVIT SWORN BY THE DE-FACTO
COMPLAINANT REGARDING SETTLEMENT DATED 18.05.2015.
- ANNEXURE 4:** THE COPY OF JUDGMENT IN CRL.MC NO.3893/2014
DATED 13.06.2014.

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C.No.2977 of 2015

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Dated this the 4th day of June, 2015

O R D E R

The petitioner herein is the sole accused in the impugned Anx.1 FIR and FIS in Crime No.324/2013 of Pallithottam Police Station, registered for offences punishable under Secs.447, 511 and 379 of the I.P.C., at the instance of the 2nd respondent, which has led to the institution of C.C.No. 598/2013 on the file of the Judicial First Class Magistrate's Court-II, Kollam. The allegation against the petitioner herein is that he was found in the sunshade of the house of the defacto complainant on 21.4.2013 at 9.10 p.m. for the purpose of committing theft and on seeing a neighbour, he flood the scene. It is stated that now the disputes arose out of the above incident between the petitioner and the 2nd respondent defacto complainant have been settled amicably and the 2nd respondent has sworn to Anx. 3 affidavit before this Court, wherein it is stated that he has no objection for quashment of the impugned criminal proceedings pending against the petitioner. It is in the light of these

aspects that the petitioner has preferred the instant Crl.M.C. with the prayer to quash the impugned criminal proceedings against him.

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 and FIS in Crime No.324/2013 of Pallithottam Police Station, which has led to the institution of C.C.No. 598/2013 on the file of the Judicial First Class Magistrate's Court-II, Kollam, and all further proceedings arising therefrom pending against the petitioner herein 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