

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ALEXANDER THOMAS

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

Crl.MC.No.2987 of 2015

**CC NO.1747/2012 of JUDICIAL FIRST CLASS MAGISTRATE COURT.-II,
TRIVANDRUM.
CRIME NO.527/2012 OF PEROORKADA POLICE STATION,THIRUVANANDAPURAM.**

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PETITIONERS/ACCUSED 1 TO 5:

1. VISHNU,S/O.KRISHNANKUTTY NAIR,AGED 25 YEARS,
VISHNU BHAVAN,MANKULAM,MARAPALLAM,
KESAVADASAPURAM,KOWDIAR,THIRUVANANTHAPURAM.
2. PRAVEEN,S/O.DAMODARAN,AGED 26 YEARS,
TC 3/2091,JYOTHI NAGAR,KESAVADASAPURAM,
KOWDIAR,THIRUVANANTHAPURAM.
3. THANSEER,S/O.THAJUDEEN,AGED 23 YEARS,
TC 13/1447,NDP NAGAR 43,THOUFEEQ MANZIL,
KESAVADASAPURAM,KOWDIAR,THIRUVANANTHAPURAM.
4. NAJEER,S/O.NASSAR,AGED 22 YEARS,
NAZAR MANZIL,H NO.152,NDP NAGAR,
KESAVADASAPURAM,KOWDIAR,THIRUVANANTHAPURAM.
5. VINOD,S/O.SUKUMARAN,AGED 24 YEARS,
PUTHUVEL PUTHEN VEEDU,VILAKOTTUKONAM,
PANGAPAPRA,KARIYAVATTAM,THIRUVANANTHAPURAM.

BY ADV.SRI.SUMAN CHAKRAVARTHY

RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA - 682 031.
2. SATHEESHKUMAR,S/O.MADHUSOODANAN NAIR,
AGED 48 YEARS,GRA K-17,M B BHAVAN,
GANDHIPURAM,PANGAPPARA,
THIRUVANANTHAPURAM - 695 001.

**R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.
R2 BY ADV.SRI.K.B.PRADEEP**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 08-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

APPENDIX

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ANNEXURE A. A CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.527/12 OF PERRORKADA PS.

ANNEXURE B. ORIGINAL OF THE ATTESTED AFFIDAVIT DATED 18.04.2015 BY THE 2ND RESPONDENT.

ANNEXURE C. PHOTOCOPY OF THE SELF ATTESTED ELECTORAL ID CARD OF THE 2ND RESPONDENT.

RESPONDENT'S ANNEXURES: NIL

//TRUE COPY//

P.S. TO JUDGE

pk

ALEXANDER THOMAS, J.

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Crl.M.C No.2987 of 2015

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Dated this the 8th day of June, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.527 of 2012 of the Perrorkada Police Station, registered under Sections 143, 147, 148, 149, 294(b), 323 and 506(ii) of the I.P.C on the complaint of one Satheeshkumar. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the de facto complainant out of court. The de facto complainant is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. He has filed affidavit to the effect that he has settled the whole dispute with the accused and he has no grievance or complaint.

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.

3. Accordingly, the impugned F.I.R and further proceedings arising out of Crime No.527 of 2012 of the Perrorkada Police Station, including all further proceedings arising out of C.C.No.1747 of 2012, on the file of the Judicial First Class Magistrate's Court-II, Thiruvananthapuram pending against the petitioners herein will stand quashed under Section 482 of the Code of Criminal

Procedure.

With these observations and directions this Crl.M.C. stands finally disposed of.

sd/-

sab

ALEXANDER THOMAS, JUDGE