

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. 2991 of 2015

CRIME NO. 99/2015 OF MARAYAMUTTAM POLICE STATION.
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PETITIONER(S)/ACCUSED 1 TO 4:

1. JEEVARAJ,S/O.JEEVADAS, AGED 30 YEARS,
JEEVA BHAVAN, MOOVENKARA,
KUNNATHUKAL VILLAGE, NEYYATTINKARA.
2. RAJESH, S/O.BALRAJ, RAJESH BHAVAN,
MOOVERIKKARA, KUNNATHUKAL VILLAGE,
NEYYATTINKARA.
3. AJI, S/O.AHIMAS, KUZHIOVU PUTHEN VEEDU,
NELLIVILA, MOOVERIKKARA, KUNNATHUKAL VILLAGE,
NEYYATTINKARA.
4. VISHNU @ KANNAN, S/O.APPUKUTTAN,
KUNNIPURATHU VEEDU, PAKALINTHARA,
MANNAMKONAM, KOOVERIKKARA, NEYYATTINKARA.

BY ADV. SRI.T.S.HARIKUMAR

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 021.
2. SURENDRAN, S/O.KRISHNA PILLAI, AGED 40 YEARS,
KALAYIPUTHEN VEEDU, MANNAMKODE,
KUNNATHUKAL VILLAGE, NEYYATTINKARA TALUK - 695 121.

R1 BY ADV. PUBLIC PROSECUTOR SMT.SAREENA GEORGE
R2 BY ADV. SMT.N.PASHA

**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 A.** **A TRUE COPY OF FIR & FIS I CRIME NO.99/2015
DATED 06.03.2015 OF MARAMUTTOM POLICE STATION.**
- ANNEXURE B.** **TRUE COPY OF ACCIDENT REGISTER CUM-WOUND
CERTIFICATE ISSUED BY THE TALUK HEAD QUARTERS
HOSPITAL, PARASSALA DATED 06.03.2015.**
- ANNEXURE C.** **TRUE COPY OF AFFIDAVIT SWORN BY THE DEFACTO
COMPLAINANT SIGNED BEFORE THE NOTARY PUBLIC
DATED 10.04.2015.**

RESPONDENTS' ANNEXURES: **NIL.**

//TRUE COPY//

P.S. TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C.No. 2991 of 2015

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Dated this the 4th day of June, 2015

O R D E R

The petitioners herein are accused Nos.1 to 4 2 in the impugned Anx.A FIR & FIS in Crime No.99/2015 of Maramuttom Police Station, registered for offences punishable under Secs.323, 324, 325 and 34 of the I.P.C., at the instance of the 2nd respondent. It is stated that now the entire disputes, which have led to the registration of the above referred crime, between the petitioners and the 2nd respondent defacto complainant have been settled amicably and that the 2nd respondent has sworn to Anx.C affidavit before this Court, wherein it is stated that he has settled the entire disputes with the petitioners and that he has 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 FIR & FIS in Crime No.99/2015 of Maramuttom Police Station, and all further proceedings arising therefrom pending against the petitioners stand quashed.

The Crl.M.C. stands finally disposed of as above.

sd/-
ALEXANDER THOMAS, JUDGE
sd/+
///True copy///

P.S. to Judge

