

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937

Crl.MC.No. 3066 of 2015

CC 425/2011 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, SASTHAMCOTTA
CRIME NO. 1070/2010 OF SASTHAMCOTTA POLICE STATION , KOLLAM

PETITIONER(S)/ACCUSED:

1. BINOY BEN @ BINU, AGED 25 YEARS,
S/O.BENNY VARGHESE, BINU BHAVANAM, ARINALLOOR MURI,
THEVALAKKARA VILLAGE, KUNNATHOOR TALUK,
KOLLAM DISTRICT.
2. KIRAN, AGED 23 YEARS,
S/O. CHANDRAN PILLAI, RESMI BHAVANAM,
AMPALATHUMBAGOM MURI, PORUVAZHI VILLAGE,
KUNNATHOOR TALUK, KOLLAM DISTRICT.
3. GANESH, AGED 23 YEARS,
S/O.MOHANAN, EAST OF ATHARA, KALLELIBHAGAM VILLAGE,
KARUNAGAPALLY TALUK, KOLLAM DISTRICT.
4. BALU, AGED 23 YEARS,
S/O. GOPINATHAN PILLAI, VRIKKODIL THEKKETHIL,
KOVOOR MURI, MYNAGAPALLY VILLAGE, KUNNATHOOR TALUK,
KOLLAM DISTRICT.
5. PRANAV M.PILLAI, AGED 23 YEARS,
S/O. MOHANAN PILLAI, SHEEJA BHAVANAM
AMPALATHUMBAGOM MURI, PORUVAZHI VILLAGE,
KUNNATHOOR TALUK, KOLLAM DISTRICT.
6. ANEESH KUMAR, AGED 23 YEARS,
S/O.YESODHARAN, VARIKKOLAYAYYATHU VADAKKATHIL
NORTH MYNAGAPALLY MURI, MYNAGAPPALLY VILLAGE,
KUNNATHOOR TALUK, KOLLAM DISTRICT.
7. SOORATH. S, AGED 21 YEARS,
KOPPARAYIL VEEDU, EAST OF ATHARA, KALLELIBHAGAM MURI
KARUNAGAPALLY TALUK, KOLLAM DISTRICT.

BY ADV. SRI.P.V.DILEEP

PJ

....2/-

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RESPONDENT(S)/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. GIREESH, AGED 23 YEARS,
S/O. HARIDAS, LEKSHMI BHAVANAM,
VILANTHARA MURI (VALIAPADAM), WEST KALLADA VILLAGE,
KUNNATHOOR TALUK, KOLLAM DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SMT.S.HYMA
R2 BY ADV. SRI.K.V.ANIL KUMAR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

Crl.MC.No. 3066 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNX.A - COPY OF THE F.I.R IN CRIME NO.1070/2010 OF SASTHAMCOTTA
POLICE STATION**

**ANNX.A - COPY OF THE FINAL REPORT IN CRIME NO.1070/2010 OF
SASTHAMCOTTA POLICE STATION**

ANNX.A3 - NOTRAIZED AFFIDAVIT FILED OF THE R2.

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.

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Crl.M.C.No. 3066 of 2015

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Dated this the 5th day of June, 2015

O R D E R

The petitioners seek orders quashing Anx.B final report/ charge sheet filed in Anx.A FIR in Crime No.1070/2010 of Sasthamcotta Police Station, registered for offences under Secs.143, 147, 148, 323, 324 read with Sec. 34 of the I.P.C., which has led to the institution of Calendar Case, C.C.No.425/2011 on the file of the Judicial First Class Magistrate's Court, Sasthamcotta. It is stated that now the entire disputes 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 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 Anx.B final report/charge sheet filed in Anx.A FIR in Crime No.1070/2010 of Sasthamcotta

Police Station, which has led to the institution of Calendar Case, C.C.No.425/2011 on the file of the Judicial First Class Magistrate's Court, Sasthamcotta and all further proceedings arising therefrom pending against the petitioners stand quashed.

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

sd/-
ALEXANDER THOMAS, JUDGE

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///True copy///

P.S. to Judge