

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. 3073 of 2015 ()

CC 3946/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT, ALATHUR

PETITIONERS/ACCUSED 1 TO 3 :

- 1. PADMANABHAN @ PAPPAN, AGED 23 YEARS,
S/O. PARAMESWARAN, NETHYAMPARAMBU HOUSE,
PADOOR, KAVESSERY, PALAKKAD.**
- 2. RAJENDRAN, AGED 24 YEARS,
S/O. RADHAKRISHNAN, SUNDARI NIVAS, THEKKETHARA
PADOOR, PALAKKAD.**
- 3. LIBIN, AGED 24 YEARS,
S/O. VELAYUDHAN, NETHYAMPARAMBU HOUSE,
PADOOR, KAVESSERY, PALAKKAD.**

BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENTS/DEFACTO COMPLAINANT AND STATE :

- 1. MUKHIL, AGED 25 YEARS,
S/O. RAMAKRISHNAN, NETHYAMPARAMBU HOUSE,
PADOOR, KAVASSERY, PALAKKAD - 673543**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682031**

R1 BY ADV. SRI.P.M.RAFIQ

R2 BY PUBLIC PROSECUTOR SMT. SAREENA GOERGE

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

bp

APPENDIX

PETITIONER'S ANNEXURES :

**ANNEXURE A: COPY OF THE FINAL REPORT IN CRIME NO. 787/2014 OF ALATHUR
POLICE STATION IN PALAKKAD DISTRICT IN CC NO. 3946/2014 ON THE
FILE OF THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE,
ALATHUR.**

**ANNEXURE B: AFFIDAVIT SWORN BY THE R1 HEREIN EVIDENCING THE AFORESAID
SETTLEMENT.**

RESPONDENT'S ANNEXURES : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

ALEXANDER THOMAS, J.

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Crl.M.C.No. 3073 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.A final report/charge sheet filed in Crime No.787/2014 of Alathur Police Station, registered for offences under Secs.341, 323, 324, 294(b) read with 34 of the I.P.C., which has led to the institution of C.C.No.3946/2014 on the file of the Judicial First Class Magistrate's Court, Alathur. It is stated that now the entire disputes between the petitioners and the 1st respondent defacto complainant have been settled amicably and that the 1st respondent has sworn to Anx.B 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.A final report/charge sheet filed in Crime No.787/2014 of Alathur Police Station, which has led to the institution of C.C.No.3946/2014 on the file of the Judicial First Class Magistrate's Court, Alathur 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
///True copy///

P.S. to Judge