

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. 3088 of 2015

**CP 295/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KASARAGOD
CRIME NO. 433/2010 OF KASARAGOD POLICE STATION , KASARGOD**

PETITIONERS/ACCUSED NO 1 TO 4:

1. **ABDUL SALEEM @ ANWAR SALEEM, AGED 37 YEARS,
S/O.MUHAMMED KUNHI, CHALA HOUSE,
PANGALAM CHENGALA VILLAGE, CHEROOR POST,
KASARAGOD DISTRICT, PIN 671 123.**
2. **ABDUL HAMEED U @ TIGER HAMMED, AGED 34 YEARS
S/O. U.M ISMAIL, UKKAM PETTY HOUSE PANGALAM
CHENGALA VILLAGE, CHEROOR POST, KASARAGOD DISTRICT.**
3. **ASKAR ALI, AGED 27 YEARS,
S/O. P. BASHEER, EBILI HOUSE, PANGALAM
CHENGALA VILLAGE, CHEROOR POST, KASARAGOD DISTRICT.**
4. **ABDULLA KUNHI U, AGED 57 YEARS,
S/O.LATE UMMER, PANGALAM CHENGALA VILLAGE,
CHEROOR POST, KASARAGOD DISTRICT.**

BY ADV. SMT.REENA ABRAHAM

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

1. **STATION HOUSE OFFICER,
KASARAGOD POLICE STATION
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
2. **MOIDEEN KUNHI N.S, AGED 27 YEARS,
S/O.N.M SHAFI, RESIDING AT S.P NAGAR, MADHUR VILLAGE,
MUTTATHODY, KASARAGOD DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SMT.S. HYMA
R2 BY ADV. SRI. SUBASH BOZZ B.M.**

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

Crl.MC.No. 3088 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE A1 CERTIFIED COPY OF FIR IN CRIME NO 433/2010 OF KASARAGOD
POLICE STATION**

**ANNEXURE A2- CERTIFIED COPY OF FINAL REPORT IN CRIME NO 433/2010 OF
KASARAGOD POLICE STATION**

**ANNEXURE A3 CERTIFIED COPY OF MEMO EVIDENCE IN CRIME NO 433/10 OF
KASARAGOD POLICE STATION**

ANNEXURE A-4 TRUE COPY OF ORDER DATED 20-05-2014 IN CRLMC NO 2520/2014

ANNEXURE A-5 AFFIDAVIT DATED 25-04-2015 SWORN IN BY THE 2ND RESPONDENT

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.

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Crl.M.C.No. 3088 of 2015

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Dated this the 5th day of June, 2015

O R D E R

The petitioners seek orders quashing the impugned Anx.A-2 final report/charge sheet filed in Anx.A-1 FIR in Crime No.433/2010 of Kasargod Police Station, registered for offences under Secs.143, 147, 341, 294(b), 506(i) read with Sec. 34 of the I.P.C., which has led to the institution of C.P.No.295/2014 on the file of the Judicial First Class Magistrate's Court-I, Kasargod. 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.A-5 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-2 final report/charge sheet filed in Anx.A-1 FIR in Crime No.433/2010 of Kasargod Police

Station, which has led to the institution of C.P.No.295/2014 on the file of the Judicial First Class Magistrate's Court-I, Kasargod 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