

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 9TH DAY OF JUNE 2015/19TH JYAISHTA, 1937

CrI.MC.No. 3141 of 2015 ()

SC 36/2015 OF ADDITIONAL SESSIONS COURT, MUVATTUPUZHA

CRIME NO. 1236/2015 OF KOOTHATTUKULAM POLICE STATION, ERNAKULAM
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PETITIONER(S)/ACCUSED 1-2:

1. SHAJU JACOB, AGED 50 YEARS,
S/O JACOB, RESIDING AT KURISINGAL HOSUE, MARIA KARA,
PALAKKUZHA VILLAGE, MUVATTUPUZHA, ERNAKULAM DISTRICT,
PIN:686 662.
2. SONY JAMES @ SOMY AGED 36 YEARS,
S/O JAMES,
RESIDING AT KARIKKAPRAYILG (KANNAKATH) HOUSE,
KOZHA KARA, KURAVILANGAD VILLAGE,
KOTTAYAM DISTRICT, (NOW RESIDING AT MANNNAKATH HOUSE,
PALAKKUZHA KARA AND VILLAGE, MUVATTUPUZHA TALUK,
ERNAKULAM DISTRICT, PIN:686 662.

BY ADV. SRI.PEEYUS A.KOTTAM

RESPONDENT(S)/STATE/DEFACTO COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.
2. A.M.JOHN, AGED 58 YEARS,
S/O MATHAI, RESIDING AT ARAMBEL HOSUE,
PALAKKUZHA KARA AND VILLAGE, MUVATTUPUZHA TALUK,
ERNAKULAM DISTRICT, PIN:686 662.

R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE
R2 BY ADV. SRI.T.P.NISHAD KHAN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
09-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

msv/

Crl.MC.No. 3141 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A1: THE TRUE COPY OF THE FIRST INFORMATION REPORT
DATED 13.9.2014 REGISTERED AGAINST THE PETITIONER IN CRIME.
NO.1236/2015 OF KOTHATTUKULAM POLICE STATION.**

**ANNEXURE A2: TRUE COPY OF THE FINAL CHARGE SUBMITTED BY THE
INVESTIGATING OFFICER IN CIRME NO.1236/2014**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

ALEXANDER THOMAS, J.

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Crl.M.C.No. 3141 of 2015

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Dated this the 9th day of June, 2015

O R D E R

The petitioners herein are accused Nos.1 and 2 & 4 in the impugned Anx.A-2 final report/charge sheet in Anx.A-1 FIR in Crime No.1236/2015 of Koothattukulam Police Station registered for offences punishable under Secs.314, 323, 308 and 34 of the I.P.C. It is stated that now the entire disputes between the petitioners and 2nd respondent defacto complainant have been settled amicably and they 2nd respondent had no objection for quashment of the impugned criminal proceedings against the petitioner. It is further stated that a compromise petition has been filed stating the above said fact. 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-2 final report/charge sheet filed in Anx.A-1 FIR in Crime No.1236 /2015 of Koothattukulam Police Station 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
P.S. to Judge
///True copy///

