

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ALEXANDER THOMAS

THURSDAY, THE 11TH DAY OF JUNE 2015/21ST JYAISHTA, 1937

Crl.MC.No.3154 of 2015

**SC NO.177/2012 of I ADDL.ASSISTANT SESSIONS COURT,ERNAKULAM.
CRIME NO.340/2011 OF CHERANELLOOR POLICE STATION,ERNAKULAM.**

PETITIONER'S/ACCUSED NOS.1 TO 3:

1. **SUNIL,AGED 30 YEARS,S/O.SURA,
ACHUPARAMBIL HOUSE,LAKSHAM VEEDU COLONY,
NEAR KURISINKAL CHURCH,MULAVUKAD P.O.
ERNAKULAM DISTRICT-682 504,
NOW RESIDING AT C/O.REMBHA,
NEAR KERALESWARA TEMPLE,
MULAVUKADU.**
2. **VISHNU K.M,AGED 25 YEARS,S/O.MANI,
KALIYATHU HOUSE,NEAR KARTHYANI TEMPLE,
MULAVUKAD P.O.,ERNAKULAM DISTRICT-682 504.**
3. **RENJITH K.C,AGED 28 YEARS,S/O.CHITHRAN,
KOLOTTAPARAMBIL HOUSE,
NEAR KARTHYANI TEMPLE,MULAVUKAD P.O.
ERNAKULAM DISTRICT-682 504.**

BY ADV.SRI.P.A.MUJEEB

RESPONDENT'S/STATE AND DEFACTO COMPLAINANT:

1. **STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM-682 031.**
2. **JOSEPH,AGED 38 YEARS,S/O.VARGHESE,
PATTARUMADATHIL HOUSE,THAIKKAVU,
CHERANALLOOR,ERNAKULAM DISTRICT-682 034.**

**R1 BY PUBLIC PROSECUTOR SMT.S.HYMA.
R2 BY ADV.SRI.ANVER BASHEER**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 11-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Crl.MC.No.3154 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEXURE A1:PHOTO COPY OF THE FIR IN CRIME NO.340/2011 OF
CHERANALLOOR POLICE STATION, ERNAKULAM DISTRICT.**

**ANNEXURE A2:PHOTO COPY OF THE CHARGE SHEET IN SC 177/12 OF 1ST
ADDITIONAL ASSISTANCE SESSIONS COURT, ERNKULAM.**

**ANNEXURE A3:AFFIDAVIT SWORN BY THE DEFACTO COMPLAINANT/2ND
RESPONDENT.**

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

ALEXANDER THOMAS, J.

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Crl.M.C No.3154 of 2015

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Dated this the 11th day of June, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.340 of 2011 of Cheranalloor Police Station, registered under Sections 341, 323, 308 r/w 34 of the I.P.C. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the de facto complainant out of court. The de facto complainant is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. He has filed affidavit to the effect that he has settled the whole dispute with the accused and he has no grievance or complaint.

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.

Accordingly, the impugned F.I.R and further proceedings arising out of Crime No.340 of 2011 of Cheranalloor Police Station, including all further proceedings arising out of S.C.No. 177 of 2012 on the file of the Additional Sessions Court, Ernakulam pending

- : 3 :-

against the petitioners herein will stand quashed under Section 482 of the Code of Criminal Procedure.

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

sd/-

sab

ALEXANDER THOMAS, JUDGE