

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

Crl.MC.No. 3167 of 2015

CRIME NO. 920/2015 OF ATTINGAL POLICE STATION , THIRUVANANDAPURAM

PETITIONERS/ACCUSED NOS. 1 AND 2:

1. PRAVEEN, AGED 24 YEARS,
S/O PRASAD, PACHAYIL HOUSE, VALAKKADU DESOM,
MUTHAKKAL VILLAGE, THIRUVANANTHAPURAM DISTRICT.
2. * SUJITH, AGED 28 YEARS,
S/O. MOHANAN, SUDHI BHAVAN, ANIKKUDI
VAMANAPURAM VILLAGE,
THIRUVANATHAPURAM. (DELETED)
2. * SUJITH, AGED 28 YEARS,
S/O. MOHANAN, SUDHI BHAVAN, ANIKKUDI
VAMANAPURAM VILLAGE,
THIRUVANATHAPURAM. IS DELETED
FROM PARTY ARRAY AS PER ORDER DATED 25.06.2015 IN
CRL.M.A.NO.5830/2015.
- * ADDL.P2 & P3 IMPLEADED
3. BHADRAN,
S/O RAJAN, VISHNU NIVAS, PACHAYIL VEEDU,
VALAKKADU, ELAMPARA P.O., MUDAKKAL VILLAGE.
4. JYOTHISH,
S/O SOMASHARMA, ROHINI BHAVAN, VALAKKADU,
ELAMPA P.O., MUDAKKAL VILLAGE,
ARE IMLEADED AS PER ORDER DATED 25.06.2015 IN CRL.MA.NO.5830/2015.

BY ADV. SRI.JAMES ABRAHAM (VILAYAKATTU)

RESPONDENTS/DEFACTO COMPLAINANT AND STATE:

1. SUDHEER, AGED 20 YEARS,
S/O SHAMSUDHEEN, THAMEER MANZIL, NEAR PANCHAYAT OFFICE,
VALAKKADU, VALAKKADU DESAM, MUDAKKAL VILLAGE,
PIN-695103.

Crl.MC.No. 3167 of 2015

**2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031..**

**R1 BY ADV. SRI.GEORGE SEBASTIAN
R2 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 25-06-2015, ALONG WITH CRMC. 3168/2015, THE COURT ON THE SAME
DAY PASSED THE FOLLOWING:**

PJ

Crl.MC.No. 3167 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES

ANNEXURE A: A TRUE COPY OF THE FIR IN CRIME NO.920/2015 OF ATTINGAL POLICE STATION.

ANNEXURE B: ORIGINAL AFFIDAVIT SWORN TO BY THE IST RESPONDENT DATED 30.5.2015.

RESPONDENT(S)' ANNEXURES

ANNEXURE R1(A): ORIGINAL AFFIDAVIT DATED 17/6/15 SWORN TO BY THE R1 IN THE CRIMINAL MC.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.

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Crl.M.C.Nos.3167 & 3168 of 2015

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Dated this the 25th day of June, 2015

O R D E R

The petitioners in Crl.M.C.No.3167/2015 are accused Nos.1 to 3 in the impugned FIR in Crime No.920/2015 (Anx.A in Crl.M.C.No.3167/2015) of Attingal Police Station, registered for offences punishable under Secs.143, 147, 149, 341, 294(b) and 325 of I.P.C., at the instance of 1st respondent (defacto complainant) in that Crl.M.C (who is the 1st petitioner in Crl.M.C.No.3168/2015). The petitioners in Crl.M.C. No.3168/2015 are accused Nos.1 to 6 in the impugned FIR in Crime No.913/2015 (Anx.A in Crl.M.C.No. 3168/2015) of Attingal Police Station, registered for offences punishable under Secs.143, 147, 148, 149, 341, 294(b), 506(ii) and 324 and 308 of the I.P.C., at the instance of 1st petitioner in Crl.M.C.No.3167/2015. It is stated that now the entire disputes between the contesting parties in these Crl.M.Cs. have been settled amicably and that affidavits of the respective parties have also been filed in these cases, wherein it is stated that they have no objection

for quashment of the impugned criminal proceedings pending against their opposite parties in the aforestated crimes. It is in the light of these aspects that the petitioners have preferred the instant Criminal Miscellaneous Cases 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:-

- (i) The impugned Anx.A FIR in Crime No.920/2015 in Crl.M.C.No. 3167/2015 of Attingal Police Station, Thiruvananthapuram district and all further proceedings arising therefrom pending against the petitioners therein stand quashed.
- (ii) The impugned Anx.A FIR in Crime No.913/2015 in Crl.M.C.No. 3168/2015 of Attingal Police Station, Thiruvananthapuram district and all further proceedings arising therefrom pending against the petitioners therein stand quashed.

With these observations and directions these Criminal Miscellaneous Cases stand finally disposed of.

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge