

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937

Cri.MC.No. 3203 of 2015

CRIME NO. 141 OF 2015 OF PAYANGADI POLICE STATION, KANNUR DISTRICT

PETITIONER(S)/ACCUSED :

- 1. MUHAMMED KHALEEF A.C., AGED 20 YEARS,
S/O.HASSAN (LATE), CHAPPAYIL HOUSE, MATOOL AMSOM,
JASINTHA, MATOOL NORTH, KANNUR DISTRICT.**
- 2. ANAS P., AGED 20 YEARS,
S/O.ASSAINAR, POOCHANTEVIDA HOUSE, MATTUL NORTH,
MATTUL AMSOM, KANNUR DISTRICT.**
- 3. ASEEB K.V., AGED 19 YEARS,
S/O.MUHAMMED ALI, KADAPPURATH VEETIL, MATTUL NORTH,
MATTUL AMSOM, KANNUR DISTRICT.**
- 4. SHUHAIL K., AGED 19 YEARS,
S/O.KARIM, KOCHAN HOUSE, MATTUL NORTH,
MATTUL AMSOM, KANNUR DISTRICT.**

**BY ADVS.SRI.M.SASINDRAN
SRI.A.ARUNKUMAR**

RESPONDENT(S)/COMPLAINANT AND STATE :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. MUHAMMED IBRAHIM, AGED 17 YEARS,
REPRESENTED BY HIM MOTHER AND GUARDIAN SEENATH M.K.,
W/O.AHAMMED MUHAMMED, M.K. HOUSE, NEAR CENTRAL
JUMA MASJID, P.O. MATTUL - 670 325, KANNUR DISTRICT.**
- 3. SEENATH M.K., AGED 37 YEARS,
W/O.AHAMMED MUHAMMED, M.K. HOUSE, NEAR CENTRAL
JUMA MASJID, P.O.MATTUL - 670 325, KANNUR DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE
R2 & R3 BY ADV. SRI.S.R.SREEJITH**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 24-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A1: A TRUE COPY OF THE FIR IN CRIME NO.141/2015 OF
PAYANGADI POLICE STATION, KANNUR DISTRICT.**

**ANNEXURE AII: A TRUE COPY OF THE AFFIDAVIT SWORN TO BY
THE 3RD RESPONDENT ENDORSING THE FACTUM OF
COMPOUNDING OF THE ABOVE SAID OFFENCES AND
THE SETTLEMENT OF DISPUTES BETWEEN THE PARTIES.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

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Crl.M.C.No. 3203 of 2015

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Dated this the 24th day of June, 2015

O R D E R

The petitioners herein are accused Nos.1 to 4 in the impugned Anx.A-1 FIR in Crime No.141/2015 of Payangadi Police Station, registered for offences punishable under Secs.341, 323, 324, 308 read with Sec.34 of the I.P.C. It is stated that now the entire disputes between the petitioners and the 3rd respondent defacto complainant have been settled amicably and that the 3rd respondent has sworn to Anx.A-3 affidavit before this Court, wherein it is stated that respondents 2 and 3 have settled the entire disputes with the petitioners and that they have 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 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-1 FIR in Crime No.141/2015 of Payangadi 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/+

Sd/-
ALEXANDER THOMAS, JUDGE

///True copy///

P.S. to Judge