

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

CrI.MC.No. 3316 of 2015

**C.C.NO.1179/2011 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II,
THIRUVANANTHAPURAM**

CRIME NO. 1061/2011 OF FORT POLICE STATION , THIRUVANANTHAPURAM

PETITIONER(S)/ACCUSED :

- 1. UNNIKRISHNAN.S, AGED 26 YEARS,
S/O.KULASHEKARAN, RESIDING AT T.C.41/657, PUTHUNAGAR,
ROTTIKADA JUNCTION, KURIYATHI, MANACAUD.P.O.,
THIRUVANANTHAPURAM.**
- 2. KALESH, AGED 28 YEARS,
S/O.NATARAJAN, RESIDING AT T.C.20/1772,
DR.MBEDKAR NAGAR, THAMALAM, POOJAPPURAM.P.O.,
THIRUVANANTHAPURAM.**
- 3. PREMKUMAR, AGED 25 YEARS,
S/O.MOHANAN, RESIDING AT T.C.41/371, MEDAYIL VEEDU,
PNR-HOUSE NO.-75, KURIYATHI, MANACAUD.P.O.,
THIRUVANANTHAPURAM.**

**BY ADVS.SRI.VEMBAYAM A.ABDUL HAKKIM
SRI.NEMOM A.CHANDRA BABU**

RESPONDENT(S)/STATE :

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-31.**
- 2. SAJAN, AGED 21 YEARS,
S/O.MAHEEN, RESIDING AT T.C.48/729, KARAMANA,
THIRUVANANTHAPURAM- 695 002.**
- 3. ARUN BABU, AGED 26 YEARS,
S/O.RAMESH BABU, RESIDING AT T.C.17/2101, PNR 39,
PAI ROAD, POOJAPPURA.P.O.- 695 012.**

**R1 BY PUBLIC PROSECUTOR SMT.S.HYMA
R2 & R3 BY ADV. SRI.R.SANTHOSH (VARKALA)**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 04-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

ANNEXURE I: TRUE COPY OF THE FIR IN C.C.1179/2011 ON THE FILES OF JFMC-II, THIRUVANANTHAPURAM.

ANNEXURE-II: AFFIDAVIT SWORN BY THE 2ND RESPONDENT BEFORE THE ADVOCATE.

ANNEXURE-III: AFFIDAVIT SWORN BY THE 3RD RESPONDENT BEFORE THE ADVOCATE.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

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Crl.M.C.No. 3316 of 2015
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Dated this the 4th day of June, 2015

O R D E R

The petitioners herein are the accused in the impugned Anx.1 FIR in Crime No.1061/2011 of Fort Police Station, Thiruvananthapuram, registered for offences punishable under Secs.341, 323, 324 and 34 of the I.P.C., which has led to the institution of C.C.No. 1179/2011 on the file of the Judicial First Class Magistrate's Court-II, Thiruvananthapuram. It is stated that now the entire disputes between the petitioners on the one hand and respondents 2 and 3 on the other have been settled amicably and that respondents 2 and 3 have sworn to Anxs.A-2 and A-3 affidavits respectively before this Court, wherein it is stated that they have settled the entire disputes with the petitioners and that they have no objection in the 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.1 FIR in Crime No.1061/2011 of Fort Police Station,

Thiruvananthapuram, which has led to the institution of C.C.No. 1179/2011 on the file of the Judicial First Class Magistrate's Court-II, Thiruvananthapuram, and all further proceedings arising therefrom pending against the petitioners herein stand quashed.

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

MJL

Sd/- ALEXANDER THOMAS, JUDGE