

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937

Crl.MC.No. 3322 of 2015

**C.C.NO.1277 OF 2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
KUNNAMKULAM**

PETITIONER(S)/ACCUSED NO. 1 TO 4 :

- 1. LEJOY,
S/O.PAVU, CHITTILAPALLY HOUSE, PORKULAM DESOM,
PORKULAM VILLAGE, THRISSUR DISTRICT.**
- 2. PAVU,
S/O.KUNJANAN, CHITTILAPALLY HOUSE, PORKULAM DESOM,
PORKULAM VILLAGE, THRISSUR DISTRICT.**
- 3. KOCHU THRESYA,
W/O.PAVU, CHITTILAPALLY HOUSE, PORKULAM DESOM,
PORKULAM VILLAGE, THRISSUR DISTRICT.**
- 4. LINESH,
S/O.PAVU, CHITTILAPALLY HOUSE, PORKULAM DESOM,
PORKULAM VILLAGE, THRISSUR DISTRICT.**

BY ADV. SRI.YASH THOMAS MANNULLY

RESPONDENT(S)/DEFACTO COMPLAINANT AND STATE :

- 1. DITTY,
D/O.C.T.CHACKO, CHERUVATHUR HOUSE, MARATHOMCODE P.O.,
CHIRAMANENGADU VILLAGE, THALPILLY TALUK,
THRISSUR DISTRICT- 680 320.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

**R1 BY ADV. SRI.P.A.GIREESH KUMAR
R2 BY PUBLIC PROSECUTOR SMT.S.HYMA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

ANNEXURE A1: CERTIFIED COPY OF THE F.I.R. IN CRIME NO.1182 OF 2012 OF KUNNAMKULAM POLICE STATION DATED 16.07.2012.

ANNEXURE A2: CERTIFIED COPY OF THE FINAL REPORT DATED 18.08.2012 IN CRIME NO.1182 OF 2012 OF KUNNAMKULAM POLICE STATION.

ANNEXURE A3: TRUE COPY OF THE ORDER DATED 25.10.2014 IN O.P.NO.589 OF 2013 BEFORE THE FAMILY COURT, THRISSUR.

ANNEXURE A4: AFFIDAVIT BY THE FIRST RESPONDENT.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

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Crl.M.C.No. 3322 of 2015

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Dated this the 5th day of June, 2015

ORDER

The petitioners seek orders quashing the impugned Anx.A-2 final report/charge sheet filed in Anx.A-1 FIR in Crime No.1182/2012 of Kunnamkulam Police Station, registered for offences under Secs.498A, 406, 323 and 34 of the I.P.C., which has led to the institution of C.C.No.1277/2012 on the file of the Judicial First Class Magistrate's Court, Kunnamkulam. It is stated that now the entire disputes between the petitioners and the 1st respondent defacto complainant have been settled amicably and that the 1st respondent has sworn to Anx.A-4 affidavit before this Court, wherein it is stated that he has settled the entire disputes with the petitioners and that he has 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 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.

3. Accordingly, the impugned Anx.A-2 final report/charge sheet filed in Anx.A-1 FIR in Crime No.1182/2012 of Kunnamkulam

Police Station, which has led to the institution of C.C.No. 1277/2012 on the file of the Judicial First Class Magistrate's Court, Kunnamkulam 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

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///True copy///

P.S. to Judge