

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

CrI.MC.No.3324 of 2015

CRIME NO.179/2015 OF MANKADA POLICE STATION,MALAPPURAM.

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PETITIONER'S/ACCUSED 1 TO 5:

- 1. SHAFEEQ,S/O.AYISHA P.,AGED 29 YEARS,
MUTHUKKADAN HOUSE,KARINCHAPPADY,
VATTALLOOR P.O.,MALAPPURAM DISTRICT.**
- 2. SAJEER,S/O.MUHAMMED ALI,AGED 25 YEARS,
KIZHAKKETHALAKKAL HOUSE,KARINCHAPPADY,
VATTALLOOR P.O.,MALAPPURAM DISTRICT.**
- 3. SHOUKATHALI M.,S/O.RAYIN,AGED 29 YEARS,
MACHINGAL HOUSE,KARINCHAPPADY,
VATTALLOOR P.O.,MALAPPURAM DISTRICT.**
- 4. YOUSUF.M,S/O.MUHAMMED.M.,AGED 23 YEARS,
MACHINGAL HOUSE,KARINCHAPPADY,
VATTALLOOR P.O.,MALAPPURAM DISTRICT.**
- 5. SUBAIR.K,S/O.MUHAMMED.K,AGED 33 YEARS,
KOTTOLA HOUSE,KARINCHAPPADY,
VATTALLOOR P.O.,MALAPPURAM DISTRICT.**

BY ADV.SRI.U.K.DEVIDAS

RESPONDENT'S/STATE/DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM.**
- 2. ABDUL BASHEER,S/O.MUHAMMED,AGED 30 YEARS,
THOTTOLI HOUSE,MAKKARAPARAMBA P.O.
KURUVA,PERINTHALMANNA TALUK,
MALAPPURAM DISTRICT -679 322.**

R1 BY PUBLIC PROSECUTOR

R2 BY ADV.SMT.P.M.SHAHIDA

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

Crl.MC.No.3324 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEXURE I:PHOTOCOPY OF THE FIRST INFORMATION REPORT IN CRIME
NO.179/2015 OF MANKADA POLICE STATION,DATED 2.4.2015.**

**ANNEXURE II:THE ORIGINAL OF THE AFFIDAVIT DATED 23.5.2015 EXECUTED BY
THE SECOND RESPONDENT.**

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

ALEXANDER THOMAS, J.
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Crl.M.C.No. 3324 of 2015
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Dated this the 5th day of June, 2015
O R D E R

The petitioners seek orders quashing the impugned Anx.I FIR in Crime No.179/2015 of Mankada Police Station, registered for offences under Secs.143, 147, 148, 323, 324 read with Sec. 34 of the I.P.C. It is stated that now the entire disputes between the petitioners and the 2nd respondent defacto complainant have been settled amicably and that the 2nd respondent has sworn to Anx.II 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.I FIR in Crime No.179/2015 of Mankada 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/-
ALEXANDER THOMAS, JUDGE

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///True copy///

P.S. to Judge

