

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

Crl.MC.No. 3347 of 2015 ()

**CC.NO. 642/2014 OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE COURT
(ECONOMIC OFFENCES), ERNAKULAM
CRIME NO. 1440/2012 OF ERNAKULAM TOWN SOUTH POLICE STATION, ERNAKULAM**

PETITIONER/ACCUSED :

**SONI FRANCIS
MANNULLI, AGED 47 YEARS
S/O. FRANCIS MANNULLI HOUSE, ELAMKULAM
ERNAKULAM DISTRICT, PIN - 682 020.**

**BY ADVS.SRI.M.R.JAYAPRASAD
SRI.ANOOP V. NAIR
SRI.S.VIBHEESHANAN
SRI.P.MOHANDAS (ERNAKULAM)**

RESPONDENTS/STATE & COMPLAIANANTS :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 682 031.**
- 2. THE SUB INSEPCTOR OF POLICE
ERNAKULAM TOWN SOUTH POLICE STATION
KOCHI - 682 011.**
- 3. JOSEPH
PAVAN HOUSE, KADAVANTHRA, ELAMKULAM
KOCHI - 682 020.**
- 4. SOFY JOSEPH
PAVAN HOUSE, KADAVANTHRA, ELAMKULAM
KOCHI - 682 020.**
- 5. MANJU
PAVAN HOUSE, KADAVANTHRA, ELAMKULAM
KOCHI - 682 020.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 08-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.MC.No. 3347 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

- ANNEXURE I - TRUE COPY OF THE FIR IN CRIME NO. 1440/2012 DT. 09.11.12.**
- ANNEXURE II - CERTIFIED COPY OF THE FINAL REPROT IN CRIME
NO. 1440/2012 DT. 26.12.12 OF THE ERNAKULAM TOWN SOUTH
POLICE STATION PENDING BEFORE THE ADDITIONAL CHIEF
JUDICIAL MAGISTRATE'S COURT (ECONOMIC OFFICE),
ERNAKULAM.**
- ANNEXURE III - TRUE COPY OF THE AFFIDAVIT SWORN BY CW1 DT. 31.3.15.**
- ANNEXURE IV - TRUE COPY OF THE AFFIDAVIT SWORN BY CW2 DT. 31.3.15.**
- ANNEXURE V – TRUE COPY OF THE AFFIDAVIT SWORN BY CW3 DT. 31.3.15.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C.No. 3347 of 2015

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Dated this the 8th day of June, 2015

O R D E R

The petitioner herein is the 1st accused in the impugned Anx.II final report/charge sheet filed in Anx.I Crime No.1440/2012 of Ernakulam South Police Station, registered for offences punishable under Secs.452, 323, 506(ii) and 294(b) of the I.P.C., which has led to the institution of Calendar Case, C.C.No.642/2014 on the file of the Additional Chief Judicial Magistrate's Court, (Economic Offences), Ernakulam. It is stated that now the entire disputes between the petitioner herein and respondent Nos.3, 4 and 5 have been settled amicably and that they have sworn to Anxs.III, IV and V affidavits respectively before this Court, wherein it is stated that they have settled the entire disputes with the petitioner herein and that they have no objection for quashment of the impugned criminal proceedings pending against the petitioner. It is in the light of these aspects that the petitioner has preferred the instant Crl.M.C. with the prayer to quash the impugned criminal proceedings against him.

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.II final report/charge sheet filed in Anx.I Crime No.

1440/2012 of Ernakulam South Police Station, which has led to the institution of Calendar Case, C.C.No.642/2014 on the file of the Additional Chief Judicial Magistrate's Court, (Economic Offences), Ernakulam, and all further proceedings arising therefrom pending against the petitioner herein 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