

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. 3378 of 2015 ()

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CRIME NO. 54/2015 OF PIRAVOM POLICE STATION.**

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PETITIONER/ACCUSED:

**THOMAS @ THOMMAN, AGED 65 YEARS,
S/O.CHACKO, MUNDOTHIL HOUSE,
PIRAVOM VILLAGE & P.O., MUVATTUPUZHA TALUK,
ERNAKULAM DISTRICT, KERALA-686 664.**

BY ADV. SRI.JOHN T.PAUL.

RESPONDENTS/CW NO.1. I.E. DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. BIJU. K.K., AGED 37 YEARS,
S/O.KUNJUMON, KONATHATTUKUZHAY HOUSE,
PIRAVOM VILLAGE & P.O, MUVATTUPUZHA TALUK,
ERNAKULAM DISTRICT, KERALA-686 664.**

R1 BY PUBLIC PROSECUTOR SMT.S. HYMA.

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

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

ANNEXURE-A1	TRUE COPY OF THE FI STATEMENT OF THE 2ND RESPONDENT/DEFACTO COMPLAINANT IN CRIME NO.54 OF 2015 OF PIRAVOM POLICE STATION
ANNEXURE-AII	TRUE COPY OF THE F.I.R. DATED 17.01.2015 IN CRIME NO.54 OF 2015 OF PIRAVOM POLICE STATION
ANNEXURE-AIII	TRUE COPY OF THE REMAND REPORT DATED 18.01.2015 IN CRIME NO.54 OF 2015 OF PIRAVOM POLICE STATION
ANNEXURE-AIV	THE ORIGINAL AFFIDAVIT DATED 02.06.2015 BY THE 2ND RESPONDENT/DEFACTO COMPLAINANT.

RESPONDENT'S ANNEXURES:- **NIL.**

//TRUE COPY//

P.S. TO JUDGE

rs.

ALEXANDER THOMAS, J.

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Crl.M.C.No. 3378 of 2015

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Dated this the 8th day of June, 2015

O R D E R

The petitioner herein is the sole accused in the impugned Anx.A-II FIR in Crime No.54/2015 of Piravom Police Station, registered for offences punishable under Secs.323, 341 of the I.P.C. and Sec.3(1)(r)(s) of SC/ST (Prevention of Atrocities) Act. It is stated that now the entire disputes between the petitioner and the 2nd respondent defacto complainant have been settled amicably and that the 2nd respondent has sworn to Anx.A-IV affidavit before this Court, wherein it is stated that he has settled the entire disputes with the petitioner and that he has 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.A-II FIR in Crime No.54/2015 of Piravom Police Station and all further proceedings arising therefrom pending against the petitioner stand quashed.

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

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge