

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS**

**WEDNESDAY, THE 10TH DAY OF JUNE 2015/20TH JYAISHTA, 1937**

**CrI.MC.No. 3464 of 2015 ()**

**CC.NO. 2266/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,ALATHUR**

**PETITIONER(S)/ACCUSED NOS.1 AND 2:**

1. **AKBER, AGED 36 YEARS,  
S/O.IBRAHIM, PULIPPARAMBIL HOUSE, KAIRADY,  
NEMMARA, PALAKKAD.**
2. **SHAMSUDHEEN, AGED 31 YEARS,  
S/O.IBRAHIM, PULIPPARAMMBIL HOUSE, KAIRADY,  
NEMMARA, PALAKKAD.**

**BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)**

**RESPONDENT(S)/DEFACTO COMPLAINANT AND STATE:**

1. **ALI, AGED 30 YEARS,S/O.ABDULKADAR,  
PULLIAYAMPARAMBIL HOUSE, KAIRADY,  
NEMMARA, CHITTUR, PALAKKAD DISTRICT- 678 101.**
2. **STATE OF KERALA,  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**

**R1 BY ADV. SRI.P.M.RAFIQ**

**R2 BY PUBLIC PROSECUTOR SRI.GITHESH.R**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 10-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**sts**

**Crl.MC.No. 3464 of 2015 ()**  
-----

**APPENDIX**

**PETITIONER(S)' ANNEXURES:**  
-----

**ANNEX-A: THE CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.606/2014  
OF NEMMARA POLICE STATION OF PALAKKAD DISTRICT IN  
C.C.NO.2266/2014 ON THE FILE OF THE JUDICIAL FIRST CLASS  
MAGISTRATE, ALATHUR.**

**ANNEX-B: AFFIDAVIT SWORN BY THE 1ST RESPONDENT HEREIN EVIDENCING  
THE AFORESAID SETTLEMENT.**

**RESPONDENT(S)' ANNEXURES: NIL**  
-----

**/TRUE COPY/**

**P.A.TO JUDGE**

**sts**

ALEXANDER THOMAS, J.

=====

Crl.M.C.No. 3464 of 2015

=====

Dated this the 10<sup>th</sup> day of June, 2015

O R D E R

The petitioners herein are accused Nos.1 and 2 in the impugned Anx.A final report/charge sheet filed in Crime No.606/2014 of Nenmara Police Station, registered for offences punishable under Secs.341, 323, 324 read with Sec.34 of the I.P.C., which has led to the institution of C.C.No. 2266/2014 on the file of the Judicial First Class Magistrate's Court, Alathur. It is stated that now the entire disputes between the petitioners and the 1<sup>st</sup> respondent defacto complainant have been settled amicably and that the 1<sup>st</sup> respondent has sworn to Anx.B 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 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 final report/charge sheet filed in Crime No.606/2014 of

Nenmara Police Station, which has led to the institution of C.C.No. 2266/2014 on the file of the Judicial First Class Magistrate's Court, Alathur 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.

sd/-  
ALEXANDER THOMAS, JUDGE

sdk+  
///True copy///

P.S. to Judge