

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 11TH DAY OF JUNE 2015/21ST JYAISHTA, 1937

CrI.MC.No. 3508 of 2015 ()

CP 16/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT - I, CHALAKUDY

PETITIONERS/ACCUSED NO. 1 TO 8 :

1. YADUKRISHNAN K.A., S/O.ASOKAN,
KAITHAVALAPPIL HOUSE, NEDUKUNNU DESOM,
KODAKARA VILLAGE, THRISSUR.
2. ALWIN K.A., S/O. ANTU,
KOLANKANNY VEEDU, THAZHAKKADAU DESOM,
THAZHEKKADU VILLAGE, THRISSUR.
3. RASAK C.S., S/O.SIDDQUE,
THRIKKAD ILLATH KOTTAPPURAM DESOM,
METHALA VILLAGE, THRISSUR.
4. VIVEK V.V., S/O.VIAJAYN,
VENKASSERY HOUSE, ALAGAPPA NAGAR
AMBALLOOR VILLAGE, THRISSUR.
5. ARUN CHACKO, S/O.CHACKO,
AMBOOKKAL HOUSE, ANNALLOOR, THRISSUR.
6. ANOOP P.A., S/O.AYYAPPAN,
PERAMBRAKKARAN HOUSE, NARAYANGADI DESOM
KODASSERY VILLAGE, THRISSUR.
7. AJAYAN, S/O.ASOKAN,
MATTIL HOUSE, MANAKULNAGARA DESOM,
KODAKARA VILLAGE, THRISSUR.
8. SHEFEEK K.S., S/O.SHANAVAS,
KURIAPPILLY HOUSE, KOTTAPPURAM DESOM
METHALA VILLAGE, THRISSUR.

BY ADV. SRI.S.MANU

RESPONDENTS :

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

2. AMITH KUMAR, S/O.SIVANANDA,
THIRUNTHARA HOUSE, PARAYAKADU DESOM
PUTHENCHIRA VILLAGE, THRISSUR-680 682.
3. ARJUANAN, S/O.ANILKUMAR,
NAYARUSSERY HOUSE, VALAPPAD BEACH,
VALAPPADU VILLAGE, THRISSUR-680 567.
4. BINU MOHAN, S/O.MOHAN,
VELAMPARAMBIL HOUSE, POTTA
POTTA VILLAGE, THRISSUR-680 722.
5. AJITH, S/O.JANARDANAN,
KAIMPARAMBIL HGOUSE, KOMBATHUKADAVU
PHTHENCHIRA VILLAGE, THRISSUR-680 682.
6. VISHNU PRASAD
S/O.VALSALAN, VALIYAPARAMBIL HOSUE
METHULLUPADAM DESOM, PUTHUR VILLAGE, THRISSUR-680 014.
7. SOURABH
S/O.SADANANDAN, NAMBIADAN HOUSE, KOMBIDY
THAZHEKKADU VILLAGE, THRISSUR-680 683.

R1 BY PUBLIC PROSECUTOR SMT. S. HYMA
R2 TO R7 BY ADV. SMT.SHAMEENA SALAHUDHEEN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 11-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

bp

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE-I: CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.2075/2012.

ANNEXURE-II: AFFIDAVIT SWORN BY THE RESPONDENT NO.2.

ANNEXURE-III: AFFIDAVIT SWORN BY THE RESPONDENT NO.3.

ANNEXURE-IV: AFFIDAVIT SWORN BY THE RESPONDENT NO.4

ANNEXURE-V: AFFIDAVIT SWORN BY THE RESPONDENT NO.5

ANNEXURE-VI: AFFIDAVIT SWORN BY THE RESPONDENT NO.6.

ANNEXURE-VII: AFFIDAVIT SWORN BY THE RESPONDENT NO.7

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

ALEXANDER THOMAS, J.

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Crl.M.C.No. 3508 of 2015

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Dated this the 11th day of June, 2015

O R D E R

The petitioners herein are accused Nos.1 to 8 in the impugned Anx.I final report/charge sheet filed in Crime No.2075/2012 of Chalakkudy Police Station, registered for offences under Secs.143, 147, 148, 323, 324 read with Sec.149 of the I.P.C., which has led to the institution of C.P.No.16/2015 on the file of the Judicial First Class Magistrate's Court, Chalakkudy. It is stated that now the entire disputes between the petitioners and respondents 2 to 7 (defacto complainants) have been settled amicably and that respondents 2 to 7 have sworn to separate affidavits before this Court as per Anxs.II to VII, wherein it is stated that they have settled the entire disputes with the petitioners and that they have no objection in the 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.I final report/charge sheet filed in Crime No.2075/2012 of

Chalakkudy Police Station, which has led to the institution of C.P.No. 16/2015 on the file of the Judicial First Class Magistrate's Court, Chalakkudy 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