

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 12TH DAY OF JUNE 2015/22ND JYAISHTA, 1937

Crl.MC.No. 3510 of 2015 ()

CC 1445/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT, NJARAKKAL

PETITIONERS :

1. SUDEV, AGED 29 YEARS,
S/O.SUDHAKARAN.M.A, MURINGODITHARA(H), EDAVANAKKAD.P.O
ERNAKULAM, PIN:682502.(ACCUSED NO:5).
2. RENJITH, AGED 31 YEARS,
S/O.KUNJAPPAN, MURUTHODETHARA(H), ILLATHUPADI
EDAVANAKKAD.P.O, ERANAKULAM, PIN-682502(ACCUSED NO.1)
3. SABU, AGED 42 YEARS,
S/O.KRISHNANKUTTY, NIKARTHETHARA(H), ILLATHUPADI,
EDAVANAKKAD.P.O, ERNAKULAM, PIN-682502(ACCUSED NO.2)
4. AJESH, AGED 32 YEARS,
S/O.AJAYAKHOSH, MATTAKYAL(H), VACHAKKAL,
EDAVANAKKAD.P.O, ERNAKULAM, PIN:682502(ACCUSED NO:3).
5. VISHNU, AGED 25 YEARS,
S/O.MOHANAN, MARATHARA(H), ILLATHUPADI,
EDAVANAKKAD.P.O, ERNAKULAM, PIN-6892502(ACCUSED NO:4).

BY ADV. SRI.R.ROHITH

RESPONDENTS :

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA.
2. VINEESH.A.S,S/O.SOMAN.A.N,
ACHUPARAKANDATHIL(H), NJARAKKAL.P.O.,
ERNAKULAM.
3. AJITH LAL.K.M, AGED 25 YEARS, S/O.MANI,
KAITHAVALAPPIL(H), NJARAKKAL.P.O., ERNAKULAM.

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- 4. VINOD.A.S, AGED 23 YEARS, S/O SOMAN.A.N,
ACHUPARAKANDATHIL(H), NJARAKKAL.P.O., ERNAKULAM.**
- 5. ANOOP.S, AGED 22 YEARS,
S/O.SHAFAEQUE.T.J, THEKKINADATHE(H),
NJARAKKAL.P.O., ERNAKULAM.**
- 6. LENIN.P.C, AGED 24 YEARS,S/O ANIL,
PUTHUVELIPARAMBIL(H), NJARAKKAL.P.O.,
ERNAKULAM.**

**R1 BY PUBLIC PROSECUTOR SMT. S. HYMA
R2 TO R6 BY ADV. SRI.T.P.NISHAD KHAN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 12-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- ANNEXURE A1:** A TRUE COPY OF THE FIRST INFORMATION REPORT DATED 11-6-2013 IN CRIME NO.942/2013 REGISTERED BY THE NJARACKAL POLICE.
- ANNEXURE-A2:** A TRUE COPY OF THE CHARGE SHEET DATED 19/6/2013 IN C.C.1445/15 PENDING BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT,NJARAKKAL.
- ANNEXURE-A3:** A TRUE COPY OF THE AFFIDAVIT SWORN BY 2ND RESPONDENT REGARDING THE SETTLEMENT BETWEEN PETITIONERS AND DEFACTO COMPLAINANT.
- ANNEXURE-A4:** A TRUE COPY OF THE AFFIDAVIT SWORN BY 3RD RESPONDENT REGARDING THE SETTLEMENT BETWEEN PETITIONERS AND HIM.
- ANNEXURE-A5:** A TRUE COPY OF THE AFFIDAVIT SWORN BY 4TH RESPONDENT REGARDING THE SETTLEMENT BETWEEN PETITIONERS AND HIM.
- ANNEXURE-A6:** A TRUE COPY OF THE AFFIDAVIT SWORN BY 5TH RESPONDENT REGARDING THE SETTLEMENT BETWEEN PETITIONERS AND HIM.
- ANNEXURE-A7:** A TRUE COPY OF THE AFFIDAVIT SWORN BY 6TH RESPONDENT REGARDING THE SETTLEMENT BETWEEN PETITIONERS AND HIM.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

ALEXANDER THOMAS, J.

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Crl.M.C No.3510 of 2015

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Dated this the 12th day of June, 2015

ORDER

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.942 of 2013 of the Njarackal Police Station, registered under Sections 143, 147, 341, 323, 394 r/w 149 of the I.P.C. on the complaint of one Vineesh. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the de facto complainant out of court. The de facto complainant Vineesh is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. He has filed affidavit to the effect that he has settled the whole dispute with the accused and he has no grievance or complaint. The other persons who sustained injuries in the alleged incident are the respondent No.s 3 to 6. They have also filed affidavit to the effect that they have settled the dispute with the accused and they have no grievance or complaint now.

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.

Accordingly, the impugned F.I.R and further proceedings arising out of crime No.942 of 2013 of the Njarackal Police Station, including all further proceedings arising out of C.C.No.1445 of 2015

on the file of the Judicial First Class Magistrate Court, Njarakkal pending against the petitioners herein will stand quashed under Section 482 of the Code of Criminal Procedure.

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

sab

Sd/-
ALEXANDER THOMAS, JUDGE