

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. 3524 of 2015 ()

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CC.NO. 82/2015 OF CHIEF JUDICIAL MAGISTRATE, THALASSERY
CRIME NO. 625/2014 OF KOLAVALLUR POLICE STATION, KANNUR DISTRICT
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PETITIONER(S)/ACCUSD 1 TO 4:

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- 1. THANSEER,S/O MUHAMMED ALI,
RAVRIKANDY HOUSE, KADAVATHUR P.O.,
THALASSERY- 670 676**
 - 2. RAHOOF, S/O ISMAYIL,
PARAKKAL HOUSE , KADAVATHUR P.O.,
THALASSERY- 670 676**
 - 3. SHABINAS,S/O ZAINUDHEEN,
CHAKKILYKANDY HOUSE, KADAVATHUR P.O.,
THALASSERY -670 676**
 - 4. NASAR, S/O MUHAMMED,
KADANNOL HOUSE, KADAVATHUR P.O.,
THALASSERY -670 676**

BY ADV. SRI.P.PRAMACHANDRAN

RESPONDENT(S)/DE-FACTO COMPLAINANT:

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- 1. STATE OF KERALA,
(SHO KOLAVALLOOR POLICE STATION),
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
 - 2. SHABEEL K.P., AGED 21 YEARS,
S/O MUSTAFFA, THARIPPOYIL HOUSE,
PERINGALAM PERINGATHOOR, THALASSERY -670 675**

**R1 BY PUBLIC PROSECUTOR SMT. S.HYMA
R2 BY ADV. SRI.P.RAHUL**

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

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Crl.MC.No. 3524 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX A TRUE COPY OF THE FIR AND FINAL REPORT IN CRIME NO.625/2014 OF
THE 1ST RESPONDENT DATED 4/8/2014**

ANNEX B AFFIDAVIT SWORN IN BY THE 2ND RESPONDENT DATED 28/5/2015

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

/TRUE COPY/

P.A.TO JUDGE

sts

ALEXANDER THOMAS, J.

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Crl.M.C No.3524 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.625 of 2014 of Kolavallur Police Station, registered under Sections 143, 147, 148, 341, 323, 324, 308 r/w 149 of IPC. 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 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.

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.625 of 2014 of Kolavallur Police Station, including all further proceedings arising out of C.C.No.82 of 2015 on the file of the Chief Judicial Magistrate Court, Thalassery 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.

sd/-

sab

ALEXANDER THOMAS, JUDGE