

**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. 3528 of 2015**  
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**CC 1800/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I,HOSDRUG  
CRIME NO. 935/2012 OF CHANDERA POLICE STATION , KASARGOD**  
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**PETITIONER(S)/ACCUSED 1 TO 4:**  
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1. RIYAS T.K, AGED 29 YEARS,  
S/O RAZAK C.H, RESIDING AT KAVUMTHALA, PADANNE VILLAGE,  
HOSDURG TALUK, KASARAGOD DISTRICT.
2. RASHID, AGED 24 YEARS,  
S/O. MUSTHAFA, RESIDING AT PANDYALA HOUSE, KAVUMTHALA  
PADANNE VILLAGE, HOSDURG TALUK, KASARAGOD DISTRICT.
3. ASLAM, AGED 27 YEARS,  
S/O ABDULLA, RESIDING AT PARAMBATH HOUSE, KAVUMTHALA  
PADANNE VILLAGE, HOSDURG TALUK, KASARAGOD DISTRICT.
4. IRSHAD, AGED 27 YEARS,  
S/O LATHEEF, RESIDING AT KAVUMTHALA , PADANNE VILLAGE,  
HOSDURG TALUK, KASARAGOD DISTRICT.

**BY ADV. SMT.G.SANGEETHA**

**RESPONDENT(S)/STATE:**  
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1. P.BRAHIM, AGED 27 YEARS,  
S/O MUHAMMED KUNHI, RESIDING AT PADANA, THEKKEPURAM  
PADANA VILLAGE , HOSDURG TALUK, KASARGOD DISTRICT- 671 312.
2. THE STATE OF KERALA,  
THROUGH THE STATION HOUSE OFFICER,  
CHANDERA POLICE STATION,  
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA  
ERNAKULAM 682 031.

**R1 BY ADV. SMT.C.R.SARADAMANI  
R2 BY PUBLIC PROSECUTOR SMT.S.HYMA**

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

**Crl.MC.No. 3528 of 2015**  
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**APPENDIX**

**PETITIONER(S)' ANNEXURES**  
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**ANNEXURE A1 THE CERTIFIED COPY OF THE FIR IN CRIME NO 935/2012 OF  
CHANDERA POLICE STATION**

**ANNEXURE A2 THE CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO 935/2012  
OF CHANDERA POLICE STATION**

**ANNEXURE A3 THE AFFIDAVIT DATED 10/12/2014 SWORN IN BY THE 1ST  
RESPONDENT**

**ANNEXURE A4 THE TRUE CERTIFIED COPY OF THE MEMO OF EVIDENCE IN CRIME  
NO 935/2012 OF CHANDERA POLICE STATION**

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

**/ TRUE COPY /**

**P.S. TO JUDGE**

**PJ**

ALEXANDER THOMAS, J.

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Crl.M.C No.3528 of 2015

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Dated this the 12<sup>th</sup> day of June, 2015

ORDER

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.935 of 2012 of Chandera Police Station, registered under Sections 143, 147, 148, 341, 324 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 1<sup>st</sup> 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.935 of 2012 of Chandera Police Station, including all further proceedings arising out of C.C.No.1800 of

2013 on the file of the Judicial First Class Magistrate's Court-I, Hosdurg 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