

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. 3529 of 2015

**CC 1387/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II,
THIRUVANANTHAPURAM
CRIME NO. 921/2012 OF VALIYATHURA POLICE STATION , THIRUVANANTHAPURAM**

PETITIONER(S)/ACCUSED 1 TO 3:

- 1. FELIX, S/O.JOHNSON, AGED 28 YEARS,
S/O. JOHNSON, RESIDING AT JOHNSON HOUSE, FRIENDS ROAD,
VALIYATHURA, VALIYATHURA WARD, MUTTATHARA VILLAGE,
THIRUVANANTHAPURAM DISTRICT.**
- 2. PRINCE, AGED 27 YEARS,
S/O. JOHNSON, RESIDING AT JOHNSON HOUSE, FRIENDS ROAD
VALIYATHURA, VALIYATHURA WARD, MUTTATHARA VILLAGE,
THIRUVANANTHAPURAM DISTRICT.**
- 3. DON BOSCO, AGED 29 YEARS,
S/O JOHNSON, RESIDING AT JOHNSON HOUSE, FRIENDS ROAD,
VALIYATHURA, VALIYATHURA WARD, MUTTATHARA VILLAGE
THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SMT.BINDUMOL JOSEPH

RESPONDENT(S)/STATE:

- 1. THOMAS, AGED 62 YEARS, S/O LOUIS, RESIDING AT TC 70/3379
CHERIYATHURA FISHERMAN COLONY, BEEMAPALLY WARD,
MUTTATHAARA VILLAGE, THIRUVANANTHAPURAM DISTRICT-695 008.**
- 2. VARGHESE, AGED 26 YEARS, S/O THOMAS, RESIDING AT TC 70/3379
CHERIYATHURA FISHERMAN COLONY, BEEMAPALLY WARD,
MUTTATHARA VILLAGE, THIRUVANANTHAPURAM DISTRICT-695 008.**
- 3. THE STATE OF KERALA, THROUGH THE STATION HOUSE OFFICER
VALIYATHURA POLICE STATION, THIRUVANANTHAPURAM DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM 682 031.**

**R1 & 2 BY ADV. SMT.C.R.SARADAMANI
R3 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:**

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE A1 THE TRUE CERTIFIED COPY FO THE FIR IN CRIME 921/2012 OF
VALIYATHURA POLICE STATION**

**ANNEXURE A2 THE CERTIFIED COPY FO THE FINAL REPORT IN CRIME 921/2012 OF
VALIYATHURA POLICE STATION**

**ANNEXURE A3 THE AFFIDAVIT DATED 18/4/2015 SWORN IN BY THE 1ST
RESPONDENT**

**ANNEXURE A4 THE AFFIDAVIT DATED 18/4/2015 SWORN IN BY THE 2ND
RESPONDENT**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

ALEXANDER THOMAS, J.

=====

Crl.M.C No.3529 of 2015

=====

Dated this the 12th day of June, 2015

ORDER

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.921 of 2012 of Valiyathura Police Station, registered under Sections 452, 324, 323 r/w 34 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 and the other injured have filed affidavit to the effect that they have settled the whole dispute with the accused and they have 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.921 of 2012 of Valiyathura Police Station, including all further proceedings arising out of C.C.No. 1387 of 2012 on the file of the Judicial First Class Magistrate's Court-II, Thiruvananthapuram 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