

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937

Crl.MC.No. 3562 of 2015 ()

**SC. NO.436/2014 OF ASSISTANT SESSIONS COURT, THALASSERY.
CRIME NO. 1020/2012 OF CHAKKARAKKAL POLICE STATION, KANNUR DISTRICT.**

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PETITIONERS/ACCUSED NOS. 1 TO 9:

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- 1. SANDEEP, S/O PAVITHRAN, AGED 32 YEARS,
PULIYULLATHIL HOUSE, CHELORA,
KANNUR DISTRICT.**
 - 2. DILEEP, S/O PAVITHRAN, AGED 34 YEARS,
PULIYULLATHIL HOUSE, CHELORA,
KANNUR DISTRICT.**
 - 3. ALLU @ RINEESH, S/O RAJAN, AGED 35 YEARS,
PANNIYOTTU HOUSE, CHELORA,
KANNUR DISTRICT.**
 - 4. BIJU, S/O BALAN, AGED 33 YEARS,
KADAPPURATH PUTHIYAPURAYIL HOUSE, CHELORA,
KANNUR DISTRICT.**
 - 5. RATHEESH, S/O PRADEEPAN, AGED 25 YEARS,
CHEMBIKOTH MUCHHITHODI HOUSE, CHELORA
KANNUR DISTRICT.**
 - 6. ANOOP, S/O PAVITHRAN, AGED 36 YEARS,
PULIYULLATHIL HOUSE, CHELORA,
KANNUR DEISTRICT.**
 - 7. P.KPRASAD, S/O DASAN,
AGED 33 YEARS, KALAPPURAYIL HOUSE,
CHELORA, KANNUR DISTRICT.**
 - 8. K.C.SHAJU, S/O BALAN, AGED 35 YEARS,
CHANDRIKA NIVAS, CHELORA,
KANNUR DISTRICT.**
 - 9. PRATHEESH, S/O PRADEEPAN, AGED 25 YEARS,
MEETHALEKKATTU HOUSE, CHELORA,
KANNUR DISTRICT.**

BY ADV. SRI.I.V.PRAMOD.

RESPONDENTS/COMPLAINANT/STATE:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN:682 031.**
- 2. AJAYAKUMAR E.V., S/O VENUGOPAL,
AGED 41 YEARS, BRUHASPETHI, PAPPINISSERY,
KANNUR DISTRICT-670 001.**

**R1 BY PUBLIC PROSECUTOR SMT.S. HYMA.
R2 BY ADV. SRI.SUNIL NAIR PALAKKAT**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 24-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

**ANNEXURE A1: A TRUE COPY OF THE ORDER IN B.A.NO.9505/2012
DATED 17.01.2013.**

**ANNEXURE A2: A TRUE COPY OF THE CHARGE SHEET IN CRIME NO.1020/2012
OF CHAKKARAKAL POLICE STATION.**

**ANNEXURE A3: AFFIDAVIT DATED SWORN BY THE 2ND RESPONDENT
DATED 06/06/2015.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

ALEXANDER THOMAS, J.

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Crl.M.C.No. 3562 of 2015

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Dated this the 24th day of June, 2015

O R D E R

The petitioners herein are accused Nos.1 to 9 in the impugned Anx.A-2 final report/charge sheet filed in Crime No.1020/2012 of Chakkalakkal Police Station, registered for offences punishable under Secs.143, 147, 148, 321, 323, 324, 308 read with Sec.149 of the I.P.C., which has led to the institution of Sessions Case, S.C.No.436/2014 on the file of the Assistant Sessions Court, Thalassery. It is stated that now the entire disputes between the petitioners and 2nd respondent defacto complainant have been settled amicably and that the 2nd respondent has sworn to Anx.A-3 affidavit before this Court, wherein it is stated that he has settled the entire disputes with the petitioners and that he has no objection for 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.A-2 final report/charge sheet filed in Crime No.1020/2012 of

Chakkalakkal Police Station, which has led to the institution of Sessions Case, S.C.No.436/2014 on the file of the Assistant Sessions Court, Thalassery, 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

///True copy///

P.S. to Judge