

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 16TH DAY OF JUNE 2015/26TH JYAISHTA, 1937

CrI.MC.No. 3581 of 2015 ()

CC.NO. 1171/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, PALA, KOTTAYAM

PEITIONER/ACCUSED :

**JORDY GEORGE, AGED 23 YEARS
S/O. GEORGE JOSEPH, OTTATHIL HOUSE, NALUKODI
PAYIPADU VILLAGE, CHANGANACHERRY.**

**BY ADVS.SRI.HANSON P. MATHEW
SRI.P.J.JUSTINE**

RESPONDNETS/DEFACTO COMPLAINANT & STATE :

- 1. DR.C.J. JOSEPH
S/O. JOSEPH, THE PRINCIPAL
ST. JOSEPH COLLEGE OF ENGINEERING AND TECHNOLOGY
CHOONDACHERRY P.O., BHARANANGANAM VILLAGE
KOTTAYAM DISTRICT-686579.**
- 2. SUB INSPECTOR OF POLICE
PALAI POLICE STATION, PALAI-686 579.**
- 3. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA-682031.**

**R1 BY ADV. SRI.K.R.ARUN
R2 & R3 BY SR.GOV'T. PLEADER SMT. SAREENA GEORGE P.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 16-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.MC.No. 3581 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE A: A COPY OF THE CHARGE SHEET FLED BY THE 2ND
RESPONDENT POLICE PENDING AS C.C.NO.1171/2012 ON THE
FILES OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
PALAI.**

**ANNEXURE B: A COPY OF THE AFIDAVIT DATED 10.6.2015 FILED BY THE 1ST
RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C.No. 3581 of 2015

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Dated this the 16th day of June, 2015

ORDER

The petitioner herein is the accused in the impugned Anx.A final report/charge sheet filed in Crime No.1348/2012 of Pala Police Station, registered for offences punishable under Secs.279 and 447 of the I.P.C. and Sec.185 of the Motor Vehicles Act along with Sec.118(E) of the Kerala Police Act, which has led to the institution of Calendar Case, C.C.No.1171/2012 on the file of the Judicial First Class Magistrate's Court, Palai. It is stated that now the entire disputes between the petitioner and 1st respondent defacto complainant have been settled amicably and that the 1st respondent has sworn to Anx.A-B affidavit before this Court, wherein it is stated that he has settled the entire disputes with the petitioner and that he has no objection for quashment of the impugned criminal proceedings pending against the petitioner. It is in the light of these aspects that the petitioner has preferred the instant Crl.M.C. with the prayer to quash the impugned criminal proceedings against him.

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 final report/charge sheet filed in Crime No.1348/

2012 of Pala Police Station, which has led to the institution of Calendar Case, C.C.No.1171/2012 on the file of the Judicial First Class Magistrate's Court, Palai and all further proceedings arising therefrom pending against the petitioner stand quashed.

The Crl.M.C. is disposed of as above.

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge