

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

Crl.MC.No. 3601 of 2015 ()

CRIME NO. 278/2015 OF HOSDURG POLICE STATION, KASARAGOD DISTRICT.

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PETITIONER/ACCUSED:

**MADHUSOODANAN, S/O.APPUKUTTAN,
AGED 42 YEARS, EDUMANNIKAL HOUSE,
PANAKAYAMM, MANADUKAM P.O.,
CHENGLA VIA, KASARAGOD.**

**BY ADVS.SRI.PHILIP T.VARGHESE,
SRI.THOMAS T.VARGHESE,
SMT.ACHU SUBHA ABRAHAM,
SMT.K.R.MONISHA,
SMT.CHITHRA CHANDRASEKHARAN.**

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
REPRESENTING BY S.I. OF POLICE,
HOSDURG POLICE STATION, KASARAGOD DISTRICT.**
- 2. ANSHAD A., S/O.ABOOBACKER,
AGED 25 YEARS, KUSAL NAGAR,
HOSDURG VILLAGE, KANJANGAD P.O,
HOSDURG TALUK, KASARAGOD DISTRICT, PIN. 671 531.**

R1 BY PUBLIC PROSECUTOR SRI.GITHESH.

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

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- ANNX.A1 - TRUE COPY OF FIRST INFORMATION REPORT IN CRIME NO.278/2015 OF HOSDURG POLICE STATION DATED 08.03.2015 ALONG WITH FIRST INFORMATION REPORT.**
- ANNX.A2 - TRUE COPY OF CERTIFICATE OF DRUNKENNESS DATED 08.03.2013 ISSUED BY DISTRICT HOSPITAL, KANHANGAD.**
- ANNX.A3 - AFFIDAVIT DATED 24.03.2015 OF 2ND RESPONDENT.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

ALEXANDER THOMAS, J.

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Crl.M.C No.3601 of 2015

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Dated this the 16th day of June, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.278 of 2015 of Hosdurg Police Station, registered under Section 279 of the I.P.C. and Section 185 of Motor Vehicles Act. 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.278 of 2015 of Hosdurg Police Station, including all further proceedings pending against the petitioner 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.

sab

sd/-
ALEXANDER THOMAS, JUDGE

