

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 18TH DAY OF JUNE 2015/28TH JYAISHTA, 1937

Crl.MC.No. 3603 of 2015 ()

**SC.NO. 1103/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT -I, MAVELIKKARA
CRIME NO. 692/2011 OF MAVELIKKARA POLICE STATION , ALAPPUZHA DISTRICT**

PETITIONER(S)/ACCUSED 1 TO 3 :

- 1. ANUJAYARAJ, AGED 28 YEARS
S/O. JAYARAJ JAMES, KUNNUPARAMBIL VEEDU,
UMBERNADU MURI, THEKKEKKARA VILLATE,
MAVELIKKARA.**
- 2. LIJIN, AGED 26 YEARS, S/O. KUNJUMON,
KALLUKUZHIPARAMBIL, KOTTARAKAVU MURI,
MAVELIKKARA.**
- 3. RENJITH @ VINEETH RAVI, AGED 27 YEARS, S/O. RAVINDRAN,
KALLUKUZHIPARAMBIL, KOTTARAKAVU MURI,
MAVELIKKARA.**

BY ADV. SRI.R.SUNIL KUMAR

RESPONDENT(S)/COMPLAINANT/CW-1 :

- 1. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM- 682 031**
- 2. T.R. RENJITH, AGED 30 YEARS, S/O. RAJU,
THEKKEVELOOR VEEDU, KOTTARAKAVU MURI,
MAVELIKKARA -690 101**

**R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE
R2 BY ADV. SMT.T.M.BINITHA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 18-06-2015, ALONG WITH CRMC.NO.3604 OF 2015, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.MC.No. 3603 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEX 1: COPY OF FINAL REPORT

ANNEX 2: AFFIDAVIT FILED BY THE 2ND RESPONDENT.

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

/TRUE COPY/

P.A.TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C.Nos.3603 & 3604 of 2015

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Dated this the 18th day of June, 2015

O R D E R

The petitioners in Crl.M.C.No.3603/2015 are accused Nos.1 to 3 in the impugned Anx.I final report/charge sheet filed in Crime No.692/2011 of Mavelikkara Police Station, registered for offences punishable under Secs.323, 324, 308 read with Sec.34 of the I.P.C. at the instance of the 3rd respondent therein, which has led to the institution of the Sessions Case, S.C.No.1103/2013 on the file of the Additional Sessions Judge-III, Mavelikkara. The petitioners in Crl.M.C.No.3604/2015 are accused Nos.1 to 6 in Anx.I final report/charge sheet filed in Crime No.693/2013 of Mavelikkara Police Station, registered for offences punishable under Secs.323, 324, 326 read with Sec.34 of the I.P.C., at the instance of the 2nd respondent therein, which has led to the institution of the Calendar Case, C.C.No.599/2013 on the file of the Judicial First Class Magistrate's Court-I, Mavelikkara. It is submitted by both sides that the above referred cases are case and counter case. It is stated that

now the entire disputes between the contesting respondents in these Crl.M.Cs. have been settled amicably and that the affidavits of the respective parties have also been filed in these cases, wherein it is stated that they have no objection for quashment of the impugned criminal proceedings pending against their opposite parties in the aforestated crimes. It is in the light of these aspects that the petitioners have preferred the instant Criminal Miscellaneous Cases 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:-

- (i) In Crl.M.C.No.3603/2015 the impugned Anx.I final report/charge sheet filed in Crime No.692/2011 of Mavelikkara Police Station, which has led to to the institution of S.C.No.1103/2013 on the file of the Additional Sessions Court-III, Mavelikkara, and all further proceedings arising therefrom pending against the petitioners therein stand quashed.
- (ii) In Crl.M.C.No.3604/2015 the impugned Anx.A final report/charge sheet filed in Crime No.693/2011 of Mavelikkara Police Station, which has led to the institution of Calendar Case, C.C.No.599/2013 on the file of the Judicial First Class Magistrate's Court-I, Mavelikkara and all further proceedings arising therefrom pending against the petitioners therein stand quashed.

With these observations and directions these Criminal Miscellaneous Cases stand finally disposed of.

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Sd/-
ALEXANDER THOMAS, JUDGE

///True copy///

P.S. to Judge

Cr1.M.C.3603/15&cc

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