

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

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

CrI.MC.No. 3606 of 2015 ()

**SC.NO. 4/2013 OF PRINCIPAL ASSISTANT SESSIONS COURT, THALASSERY
CRIME NO. 169/2012 OF KELAKOM POLICE STATION, KANNUR DISTRICT**

PETITIONERS/ACCUSED 1 TO 3 :

- 1. JOBIN A.M. @ APPU, AGED 30 YEARS
S/O. MATHAI, ANIKKATKEEDIYIL HOUSE, NARIKKADAVU
KELAKAM, KANNUR DISTRICT.**
- 2. BINEESH M.V.,
S/O. VARGHESE, AGED 27 YEARS
MEEMBALLIYIL HOUSE, ADAKKATHODE,
KANNUR DISTRICT.**
- 3. JINO JOSEPH,
S/O. JOSEPH, AGED 22 YEARS
KADUVAKKUZHI HOUSE, ADAKKATHODE
KANNUR DISTRICT.**

**BY ADVS.SRI.C.P.PEETHAMBARAN
SMT.MINI V.A.**

RESPONDENTS/STATE & DEFACTO COMPLAINANT :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SEBASTIAN @ SANTHOSH,
S/O. CHACKO, AGED 27 YEARS
THIRUMANASSERY HOUSE, ADAKKATHODE P.O.
KELAKAM AMSOM DESOM, IRIITY TALUK,
KANNUR DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SMT.S. HYMA
R2 BY ADV. SMT. NEETHU G. NADH**

**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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...2/-

Crl.MC.No. 3606 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE A-1 : COPY OF THE FIR AND CHARGE SHEET IN CRIME NO. 169/2012
OF KELAKAM POLICE STATION.**

**ANNEXURE A-2 COPY OF THE AFFIDAVIT DATED 30/5/2015 SWORN BY THE
2ND RESPONDENT.**

RESPONDENT'S ANNEXURES : NIL

//TRUE COPY//

P.S. TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C.No. 3606 of 2015

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Dated this the 16th day of June, 2015

O R D E R

The petitioners herein are accused Nos.1 to 3 in the impugned Anx.A-1 final report/charge sheet filed in Crime No.169/2012 of Kelakom Police Station, registered for offences punishable under Secs.341, 323, 324, 308 read with Sec.34 of the I.P.C., which has led to the institution of Sessions Case, S.C.No. 4/2013 on the file of the Principal 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-2 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-1 final report/charge sheet filed in Crime No. 169/2012 of Kelakom Police Station, which has led to the institution

of Sessions Case, S.C.No.4/2013 on the file of the Principal Assistant Sessions Court, Thalassery, and all further proceedings arising therefrom pending against the petitioners stand quashed.

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

sd/-
ALEXANDER THOMAS, JUDGE
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///True copy///

P.S. to Judge