

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937

Crl.MC.No. 3625 of 2015 ()

SC. NO.926/2013 OF I ADDITIONAL ASSISTANT SESSIONS COURT, THRISSUR.

.....

PETITIONERS/ACCUSED 2, 3 AND 5:

- 1. SHAKKEER, AGED 29 YEARS,
S/O. KUNJUMHAMMED, KARYADATH HOUSE, AKALAD,
PUNNAYUR VILLAGE, CHAVAKKAD TALUK, THRISSUR DISTRICT.**
- 2. YUSUF, AGED 30 YEARS,
S/O. ABBAS, KURIKKALAKATH HOUSE, AKALAD,
PUNNAYUR VILLAGE, CHAVAKKAD TALUK, THRISSUR DISTRICT.**
- 3. MANSOOR, AGED 28 YEARS,
S/O. VAPPU, KUNNANCHERY HOUSE, AKALAD,
PUNNAYUR VILLAGE, CHAVAKKAD TALUK, THRISSUR DISTRICT.**

BY ADV. SRI.M.A.ABDUL HAKHIM.

RESPONDENTS/COMPLAINANT AND DE FACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THROUGH SUB INSPECTOR OF POLICE,
CHAVAKKAD POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN-682 031.**
- 2. SUNEER, AGED 37 YEARS,
S/O. ALI, VATTAPARAMBIL HOUSE, AKALAD P.O.,
PUNNAYUR VILLAGE, CHAVAKKAD TALUK, THRISSUR - 680 506.**

R1 BY PUBLIC PROSECUTOR SRI.R. GITHESH.

R2 BY ADV. SRI.SUMODH MADHAVAN NAIR.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 03-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- ANNEXURE A1** **CERTIFIED COPY OF THE FINAL REPORT SUBMITTED BY THE 1ST RESPONDENT IN SC. NO.926/2013 ON THE FILE OF THE FIRST ADDITIONAL ASSISTANT SESSIONS COURT, THRISSUR.**
- ANNEXURE A2** **COPY OF THE WOUND CERTIFICATE SUBMITTED BY THE 1ST RESPONDENT IN SC NO.926/2013 ON THE FILES OF THE FIRST ADDITIONAL ASSISTANT SESSIONS COURT, THRISSUR.**
- ANNEXURE A3** **THE AFFIDAVIT DATED 30/05/2015 SWORN BY THE 2ND RESPONDENT.**

RESPONDENT'S ANNEXURES:- **NIL.**

//TRUE COPY//

P.S. TO JUDGE

rs.

ALEXANDER THOMAS, J.

=====

Crl.M.C.No. 3625 of 2015

=====

Dated this the 3rd day of July, 2015

ORDER

The petitioners herein are accused Nos.2, 3 & 5 in the impugned Anx.A-1 final report/charge sheet filed in the impugned Crime No.281/2011 of Vadakkekka Police Station, registered for offences punishable under Secs.143, 147, 148, 323, 324, 341, 308, 427, 506(ii) read with Sec.149 of the I.P.C., which has led to the institution of the Sessions Case, S.C.No.926/2013 on the file of the First Additional Assistant Sessions Court, Thrissur. 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-1 final report/charge sheet filed in the impugned Crime No. 281/2011 of Vadakkekka Police Station, which has led to the institution of the Sessions Case, S.C.No.926/2013 on the file of the First Additional Assistant Sessions Court, Thrissur, and all further proceedings arising therefrom pending against the petitioners herein stand quashed.

With these observations and directions this Crl.M.C. stands finally disposed of.

sdk+

///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge