

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 23RD DAY OF JUNE 2015/2ND ASHADHA, 1937

Crl.MC.No. 3702 of 2015 ()

CC.NO. 316/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II,NEDUMANGAD

PETITIONER(S)/A1 TO A3:

1. SHAMEER,
S/O.SHAJAHAN CHEKALATHU,
VELLAKATHU VEEDU, KARIPOOR VILLAGE, NEDUMANGAD,
TRIVANDRUM.
2. GULAM,
S/O.BASHEER, RAMPURATHU VEETIL, KOLLANKAVU,
KARIPOOR VILLAGE, NEDUMANGAD, TRIVANDRUM.
3. SHALU,
S/O.ABDUL RASHEED, SHAN MANZIL, KOLLANKAVU,
KARIPOOR VILLAGE, NEDUMANGAD, TRIVANDRUM.

BY ADV. SRI.M.R.SARIN

RESPONDENT(S):

1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. SYAM LAL, AGED 27 YEARS,
S/O.SASIKUMAR, SARANYA BHAVAN, PANNIYOTTU KONAM,
VETTAMPALLIMURI, ANAD VILLAGE, TRIVANDRUM- 695 001.
3. SANAL KUMAR, AGED 28 YEARS,
S/O.JAYAKUMAR, SARITHA BHAVAN, PANNIYOTTU KONAM,
VETTAMPALLIMURI, ANAD VILLAGE, TRIVANDRUM -695 001.
4. PRAMOD, AGED 28 YEARS,
S/O.PREMKUMAR, UNNI BHAVAN, PANNIYOTTU KONAM,
VETTAMPALLIMURI, ANAD VILLAGE, TRIVANDRUM- 695 001.

**R1 BY PUBLIC PROSECUTOR SMT. S.HYMA
R2 TO R4 BY ADV. SRI.AJAYA KUMAR. G**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 23-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

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APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX A1: THE CERTIFIED COPY OF THE FIR POLICE STATION, NEDUMANGAD
DATED 11/8/2011**

**ANNEX A2: CERTIFIED COPY OF THE FINAL REPORT IN CC NO.316/2012 BEFORE
JUDICIAL FIRST MAGISTRATE COURT-II-NEDUMANGAD FILED BY SUB
INSPECTOR OF POLICE NEDUMANGAD POLICE STATION. DATED
11/8/2011**

ANNEX A3: AFFIDAVIT BY THE RESPONDENT NO.2 DT. 16/6/15.

ANNEX A4: AFFIDAVIT BY THE RESPONDENT NO.3 DT. 16/6/15.

ANNEX A5: AFFIDAVIT BY THE RESPONDENT NO.4 DT. 16/6/15.

RESPONDENT(S)' ANNEXURES: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

ALEXANDER THOMAS, J.

Crl.M.C.No.3702 Of 2015

Dated this the 23rd day of June, 2015.

ORDER

The petitioners are accused in impugned Anx-A2 final report/charge sheet filed in Crime No.1403/2011 of Nedumangad Police Station registered for offences under Secs.143, 147, 148, 149, 294(b), 341, 323 & 324 of the IPC, which is now pending as C.C.No.316/2012 on the file of the Judicial First Class Magistrate Court-II, Nedumangad. The prosecution allegation is that the accused persons wrongfully restrained the defacto complainants and manhandled him and his friends due to previous enmity. It is submitted that the matter has been settled between the parties and that the defacto complainants have sworn to Anx-A3 to A5 affidavits in this Crl.M.C wherein they have stated that they have no objection in the quashment of the impugned criminal proceedings pending against the petitioners. It is in the light of these aspects that the petitioners have filed this Crl.M.C seeking the prayer for quashment of the impugned criminal proceedings.

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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.

3. Accordingly, it is ordered in the interest of justice that the impugned Anx-A2 final report/charge sheet filed in Crime

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No.1403/2011 of Nedumangad Police Station, which is now pending as C.C.No.316/2012 on the file of the Judicial First Class Magistrate Court-II, Nedumangad and all further proceedings arising therefrom pending against the petitioners herein stand quashed under Sec.482 of the Code of Criminal Procedure.

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

ALEXANDER THOMAS,
Judge.

bkn/-