

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

Crl.MC.No. 3706 of 2015 ()

CRIME NO. 340/2015 OF PUDUNAGARAM POLICE STATION, PALAKKAD DISTRICT

PETITIONER(S)/ACCUSED:

1. SREENI @ SREENIVASAN, AGED 43 YEARS,
S/O. MAYIL SWAMI, VANIATHARA, KODUVAYOOR P.O.,
CHITTOOR TALUK, PALAKKADU.
2. SHEKHAR @ RAJASHEKHAR,
S/O. DHARMARAJ, AGED 23 YEARS,
VANIATHARA KODUVAYOOR P.O.,
CHITTOOR TALUK, PALAKKADU.
3. PRASANTH, S/O. MARIMUTHU, AGED 27 YEARS,
VANIATHARA KODUVAYOOR P.O.,
CHITTOOR TALUK, PALAKKADU.
4. KARTHIK @ KARTHIKEYAN, AGED 24 YEARS,
VANIATHARA KODUVAYOOR P.O., CHITTOOR TALUK,
PALAKKADU.

BY ADV. SRI.SYAM J SAM

RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT:

1. MOHAMMED AJEESH,
S/O. MOHAMMED YOUSUF, AGED 27 YEARS,
PROPRIETOR NANDI HOSPITAL,
KODUVAYOOR, CHITTOOR TALUK, PALAKKADU-678 016
2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.-682 031

R1 BY ADV. SMT.KRISHNA RAJENDRAN
R2 BY PUBLIC PROSECUTOR SMT. S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 22-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 3706 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX A1 - THE TRUE COPY OF THE FIR IN CRIME NO. 340/2015 OF
PUDUNAGARAM POLICE STATION, PALAKKADU.**

**ANNEX A2 - AN AFFIDAVIT SWORN BY THE 1ST RESPONDENT STATING THE
SETTLEMENT OF ALL THE DISPUTES.**

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

/TRUE COPY/

P.A.TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C No.3706 of 2015

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Dated this the 22nd day of June, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.340 of 2015 of Pudunagaram Police Station, Palakkadu District registered under Sections 143, 147, 448, 427, r/w 149 of the I.P.C. 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 1st 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

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arising out of Crime No.340 of 2015 of Pudunagaram Police Station 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.

sd/-

sab

ALEXANDER THOMAS, JUDGE

