

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. 3719 of 2015 ()

CRIME NO. 2075/2012 OF THOPPUMPADY POLICE STATION, ERNAKULAM DISTRICT

PETITIONERS/A1 TO A6 :

1. **SHEENSON JOB KOLLANNUR,
AGE 42, S/O. K.C. JACOB, KOLLANNUR HOUSE
KORATTYKARA P.O., KADAVALLORE VILLAGE
THALAPPALLY, THRISSUR.**
2. **JAISON JOB KOLLANNUR
S/O. K.C. JACOB
KOLLANNUR HOUSE, SHALWIN VILLA
NATTAKOM, KOTTAYAM.**
3. **MAJEED, AGE 60
S/O. LATE K.P. HASSAN KOYA HAJI
SONA, KOTTARAM ROAD, ERANJIPALA P.O.,
KOZHIKODE.**
4. **ASGAR
S/O. MUHAMMED ALI
CHALAKANDI HOUSE, MARAYOOR DESOM
MALAPPURAM.**
5. **JAYARAM C.K., AGE 65
S/O. KESHAVAN VAIDYAR
CHETTIPARAMBIL KESHAVA NIVAS
NEAR MAMANGALAM CHURCH
PALARIVATTOM, ERNAKULAM.**
6. **SUNEESH
KCR STORES, KATHRIKADAVU JUNCTION
KALOOR, KADAVANTHARA ROAD
ERNAKULAM.**

BY ADV. SRI.SHAJIN S. HAMEED

RESPONDENTS/STATE & DE FACTO COMPLAINANT :

1. **STATE OF KERALA**
REPRESENTED BY THE SUB INSPECTOR OF POLICE
THOPPUMPADY POLICE STATION
REPRESENTED THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
2. **DR. THANKOM JACOB**
AGE 81, W/O. K.B. JACOB, IX 609,
XVI 475, KURUSHINGAL HOUSE
KAZHUTHUMUTTU, THOPPUMPADY
ERNAKULAM, PIN CODE – 682 005.

R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE
R2 BY ADV. SRI.HRITHWIK

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

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...3/-

APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE A : PHOTOCOPY OF FIR IN CRIME NO. 2075/2012 OF
THOPPUMPADY POLICE STATION.**

**ANNEXURE B AFFIDAVIT OF THE 2ND RESPONDENT STATING SETTLEMENT
OF DISPUTE.**

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.3719 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.2075 of 2012 of Thoppumpady Police Station, registered under Sections 383, 406, 420 r/w 34 of IPC. 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 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. She has filed affidavit to the effect that she has settled the whole dispute with the accused and she 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.

3. Accordingly, the impugned F.I.R and further proceedings arising out of crime No.2075 of 2012 of Thoppumpady Police Station, against the petitioners 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/- ALEXANDER THOMAS, JUDGE