

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937

Crl.MC.No. 3813 of 2015

C.P.NO.20 OF 2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, ADOOR

CRIME NO. 2438 OF 2014 OF ADOOR POLICE STATION

PETITIONER(S)/ACCUSED :

**GEORGE KUTTY, AGED 59 YEARS,
S/O.YOHANAAN, KIZHAKKEKKARA PUTHAN VEEDU, IDAKKADAVU,
TENGAMAM (P.O.), PALLIKKAL VILLAGE, ADOOR,
PATHANAMTHITTA DISTRICT.**

**BY ADVS.SRI.KRISHNA PRASAD. S
SRI.NOBEL RAJU**

RESPONDENT(S)/DEFACTO COMPLAINANT/COMPLAINANT :

**1. SAJAN, AGED 27 YEARS,
S/O.RAJAN, THUNDIYILPUTHEN VEEDU, KOCHUPURA JN.,
ATHIRINKAL MURI, KOODAL VILLAGE,
PRESENTLY RESIDING AT AVICHAKULAM, THENGAMAM MURI,
PALLICKAL VILLAGE, ADOOR, PATHANAMTHITTA DISTRICT- 689 695.**

**2. THE STATE OF KERALA,
THROUGH THE SUB INSPECTOR OF POLICE,
ADOOR POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**

**R1 BY ADV. SRI.B.SIBI
R2 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 24-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE-1: A TRUE COPY OF THE FIRST INFORMATION REPORT IN
CRIME NO.2438/2014 DATED 18.12.2014 OF ADOOR POLICE
STATION.**

ANNEXURE-2: THE FINAL REPORT DATED 14/01/2015.

**ANNEXURE-3: AFFIDAVIT EXECUTED BY THE 1ST RESPONDENT
DATED 20.06.2015.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

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Crl.M.C.No. 3813 of 2015

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Dated this the 24th day of June, 2015

ORDER

The petitioner herein is the sole accused in the impugned Anx.2 final report/charge sheet filed in Anx.1 FIR in Crime No. 2438/2014 of Adoor Police Station, registered for offences punishable under Secs.294(b), 323, 326(B) of the I.P.C., which has led to the institution of C.P.No.20/2015 on the file of the Judicial First Class Magistrate's Court, Adoor. It is stated that now the entire disputes between the petitioner and 1st respondent defacto complainant have been settled amicably and that the 1st respondent has sworn to Anx.3 affidavit before this Court, wherein it is stated that he has settled the entire disputes with the petitioner and that he has no objection for quashment of the impugned criminal proceedings pending against the petitioner. It is in the light of these aspects that the petitioner has preferred the instant Crl.M.C. with the prayer to quash the impugned criminal proceedings against him.

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.2 final report/charge sheet filed in Anx.1 FIR in Crime No.2438/2014 of Adoor Police Station, which has led to the

institution of C.P.No.20/2015 on the file of the Judicial First Class Magistrate's Court, Adoor, and all further proceedings arising therefrom pending against the petitioner stand quashed.

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

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Sd/-
ALEXANDER THOMAS, JUDGE

///True copy///

P.S. to Judge