

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

Crl.MC.No. 3828 of 2015 ()

**CC.NO. 2879/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, HOSDRUG
CRIME NO. 663/2014 OF CHANDERA POLICE STATION, KASARAGOD DISTRICT**

PETITIONERS/ACCUSED NOS. 1 TO 4 :

- 1. ASKAR K.M., AGED 30 YEARS
S/O. ABDULLA T.K., K.M. HOUSE, KAVUTHALA.
PADANNE VILLAGE, KASARAGOD DISTRICT.**
- 2. RIYAS T.K.M.,
AGED 28 YEARS, S/O. RAZAK C.H.,
MIZARIYA MANZIL, MAKKANAYIL, KAVUTHALA
PADANNE VILLAGE, KASARAGOD DISTRICT.**
- 3. RASHID P.A.,
AGED 26 YEARS, S/O. MUSTHAFFA M.,
PANDYALA HOUSE, KAVUTHALA
PADANNE VILLAGE, KASARAGOD DISTRICT.**
- 4. SABIR L.K.,
AGED 26 YEARS, S/O. MUHAMMEDKUTTY,
SHARHANA MANZIL, KAVUTHALA
PADANNE VILLAGE, KASARAGOD DISTRICT.**

BY ADV. SRI.K.P.HARISH

RESPONDENTS/STATE & DEFACTO COMPLAIANT/INJURED (CW1) :

- 1. STATE OF KERALA
THROUGH STATION HOUSE OFFICER
CHANDERA POLICE STATION (CRIME NO.663/2014)
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. RIYAS U.P.,
AGED 21 YEARS, S/O KHALID,
R/AT RIYAS MANZIL, KAIPPAD
PADANNE, PADANNE VILLAGE OF HOSDURG TALUK
KASARAGOD DISTRICT - 671 315.**

**R1 BY PUBLIC PROSECUTOR SMT. S. HYMA
R2 BY ADV. KUM.K.SASIKALA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 25-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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...2/-

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APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A1: TRUE COPY OF THE FIR AND FI STATEMENT DATED 4/8/2014 IN
CRIME NO. 663/14 OF CHANDERA POLICE STATION.**

**ANNEXURE A2: TRUE COPY OF THE FINAL REPORT DATED 5/9/2014 IN CRIME
NO. 663/2014 AS NUMBERED AS CC.NO.2879/14 ON THE FILE
OF JUDICIAL FIRST CLASS MAGISTRATE COURT I, HOSDURG.**

**ANNEXURE A3: TRUE COPY OF THE AFFIDAVIT DATED 12/6/2015 OF THE 2ND
RESPONDENT /DEFACTO COMPLAINANT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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ALEXANDER THOMAS, J.

Crl.M.C.No.3828 Of 2015

Dated this the 25th day of June, 2015.

ORDER

The petitioners are accused in Anx-A2 final report/charge sheet in Crime No.663/2014 of Chandera Police Station registered for offences alleged under Secs.341, 323, 324, 506(ii) r/w 34 IPC, which is now pending as C.C.No.2879/2014 on the file of the Judicial First Class Magistrate Court-I, Hosdurg. The prosecution case is that the accused restrained the defacto complainant and attacked him and thereby the defacto complainant sustained injuries. It is submitted that the matter has been settled between the parties out of court and that the 2nd respondent (defacto complainant) has sworn to Anx-A3 affidavit wherein he has stated that he has 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.

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.

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3. Accordingly, it is ordered in the interest of justice that Anx-A2 final report/charge sheet in Crime No.663/2014 of Chandra Police Station, registered for offences alleged under Secs.341, 323, 324, 506(ii) r/w 34 IPC, which is now pending as C.C.No.2879/2014 on the file of the Judicial First Class Magistrate Court-I, Hosdurg 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.

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