

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. 3834 of 2015 ()

**CC.NO. 1455/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - I, OTTAPPALAM
CRIME NO. 732/2013 OF SREEKRISHNAPURAM POLICE STATION,
PALAKKAD DISTRICT**

PETITIONERS/ACCUSED:

- 1. MUHAMMED MUNEER,S/O.HAMSA,
PULLATH HOUSE, KUMARAMPUTHUR.P.O.,
MANNARKKAD TALUK, PALAKKAD DISTRICT.**
- 2. MUHAMMED HASHIM,S/O.HAMSA,
CHERUKKAPULLAKIZHAKKEYIL HOUSE, ANAKKAYAM,
MALAPPURAM DISTRICT.**

BY ADV. SRI.P.JAYARAM

RESPONDENTS:

- 1. SUJITH,S/O.SURENDRAN,
SREERAGAM, PUTHUPARAMBA.P.O.,
THIRURANGADI TALUK, MALAPPURAM DISTRICT-676 306**
- 2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

**R1 BY ADV. SRI.A.HAROON RASHEED
R2 BY PUBLIC PROSECUTOR SMT. S.HYMA**

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

sts

Crl.MC.No. 3834 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEX-A1 TRUE COPY OF THE FIRST INFORMATION REPORT AND FIRST
INFORMATION STATEMENT IN CRIME
NO.732/2013, SREEKRISHNAPURAM POLICE STATION**
- ANNEX-A2 TRUE COPY OF THE CHARGE SHEET IN CRIME
NO.732/2013,SREEKRISHNAPURAM POLICE STATION, SUBMITTED
BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE,OTTAPPALAM**
- ANNEX-A3 AFFIDAVIT DATED 31.5.2015 SWORN TO AND EXECUTED BY THE
DEPONENT/2ND RESPONDENT.**

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

/TRUE COPY/

P.A.TO JUDGE

sts

ALEXANDER THOMAS, J.

Crl.M.C.No.3834 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.732/2013 of Sreekrishnapuram Police Station registered for offences alleged under Secs.294(b), 506(i) r/w 34 IPC and Sec.118(d) of the Kerala Police Act, which is now pending as C.C.No.1455/2013 on the file of the Judicial First Class Magistrate Court, Ottapalam. It is submitted that the matter has been settled between the parties and that the 1st 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,

CrI.M.C.No.3834 Of 2015

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
Anx-A2 final report/charge sheet in Crime No.732/2013 of

Crl.M.C.No.3834 Of 2015

Sreekrishnapuram Police Station, which is now pending as C.C.No.1455/2013 on the file of the Judicial First Class Magistrate Court, Ottapalam 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/-