

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

CrI.MC.No. 3840 of 2015 ()

CRIME NO. 31/2015 OF HOSDURG POLICE STATION, KASARGOD

PETITIONERS/ACCUSED 1 TO 3 :

- 1. AHAMMED AFSAL @ MUHAMMED AFSAL, AGED 20 YEARS,
S/O.HAMSA, RESIDING AT AZEEZ MANZIL, KOLAVAYAL.P.O.,
AJANUR VILLAGE, HOSDURG TALUK, KASARAGOD DISTRICT.**
- 2. AJMAL @ MOHAMMED AJMAL, AGED 20 YEARS,
S/O.ISMAIL, RESIDING AT IQUBAL SCHOOL, KOLAVAYAL.P.O.,
AJANUR VILLAGE, HOSDURG TALUK, KASARAGOD DISTRICT.**
- 3. MUHAMMED ASIF, AGED 23 YEARS,
S/O.ABDUL RAHIMAN, RESIDING AT AZEEZ MANZIL,
NEAR IQUBAL SCHOOL, KOLAVAYAL.P.O., AJANUR VILLAGE,
HOSDURG TALUK, KASARAGOD DISTRICT.**

BY ADV. SRI.T.MADHU

RESPONDENTS/STATE :

- 1. PRAJEESH P.K, AGED 21 YEARS,
S/O.PREMAN, RESIDING AT PUTHIYA VALAPPIL HOUSE,
HOSDURG KADAPPURAM, HOSDURG TALUK,
KASARAGOD DISTRICT. 671 521.**
- 2. HARIKRISHNAN K.S., AGED 19 YEARS,
S/O.SIVAN, RESIDING AT PADMA QUARTERS, MANIKOTH.P.O.
AJANUR VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT.671 531.**
- 3. THE STATE OF KERALA
THROUGH THE STATION HOUSE OFFICER,
HOSDURG POLICE STATION, KASARAGOD DISTRICT
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM. 682 031.**

**R1 & R2 BY ADV. SMT.G.SANGEETHA
R3 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:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1: THE TRUE CERTIFIED COPY OF THE FIR IN CRIME NO.31/2015
OF HOSDURG POLICE STATION, KASARAGOD DISTRICT.**

**ANNEXURE A2: THE TRUE CERTIFIED COPY OF THE REPORT DATED 13.1.2015
FILED BY THE 3RD RESPONDENT BEFORE THE LEARNED
JUDICIAL FIRST CLASS MAGISTRATE'S COURT-1, HOSDURG.**

**ANNEXURE A3: THE TRUE CERTIFIED COPY OF THE REPORT DATED 9.1.2015
FILED BY THE 3RD RESPONDENT BEFORE THE LEARNED
JUDICIAL FIRST CLASS MAGISTRATE'S COURT-I, HOSDURG.**

**ANNEXURE A4: THE AFFIDAVIT DATED 4.5.2015 SWORN IN BY THE 1ST
RESPONDENT.**

**ANNEXURE A5: THE AFFIDAVIT DATED 4.5.2015 SWORN IN BY THE 2ND
RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A.TO JUDGE

bp

ALEXANDER THOMAS, J.

Crl.M.C.No.3840 Of 2015

Dated this the 25th day of June, 2015.

ORDER

The petitioners are accused Nos.1 to 3 in Anx-A1 FIR in Crime No.31/2015 of Hosdurg Police Station registered for offences under Secs.308, 323, 324, 341 r/w 34 of the IPC. The prosecution allegation is that the accused assaulted the defacto complainants (respondents 1 & 2). It is now submitted that the entire disputes between the parties have been settled and that the respondents 1& 2 (defacto complainants) have sworn to Anxs-A4 & A5 affidavits wherein they have stated that they have 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

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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 the impugned Anx-A1 FIR in Crime No.31/2015 of Hosdurg Police

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Station 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/-