

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. 3842 of 2015

CRIME NO. 4/2015 OF RAJAPURAM POLICE STATION , KASARGOD

PETITIONER(S)/ACCUSED:

1. SINOJ PALANIKKUM THOTTIYIL @ JOSEPH GEORGE, AGED 36 YEARS,
S/O.P.M.GEORGE, PALANIKKUM THOTTIYIL HOUSE,
PADIMARUTH P.O., BELUR VILLAGE, KASARAGOD DISTRICT.
2. SAVIOR, AGED 45 YEARS
S/O.MATHAYI, PALANIKKUM THOTTIYIL HOUSE,
PADIMARUTH P.O., BELUR VILLAGE, KASARAGOD DISTRICT.
3. THANKACHAN, AGED 39 YEARS,
S/O.MATHAYI, PALANIKKUM THOTTIYIL HOUSE,
PADIMARUTH P.O., BELUR VILLAGE, KASARAGOD DISTRICT.
4. JOSEKUTTY, AGED 52 YEARS,
S/O.MATHAYI, PALANIKKUM THOTTIYIL HOUSE,
PADIMARUTH P.O., BELUR VILLAGE, KASARAGOD DISTRICT.
5. GEORGE.P.M, AGED 62 YEARS,
S/O.MATHAYI, PALANIKKUM THOTTIYIL HOUSE,
PADIMARUTH P.O., BELUR VILLAGE, KASARAGOD DISTRICT.

BY ADV. SRI.A.ARUNKUMAR

RESPONDENT(S)/COMPLAINANT/STATE:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.
2. PRADEEP BABU, AGED 21 YEARS,
S/O.BABU, S.T.COLONY, PADIMARUTH,
KODOM VILLAGE, RAJAPURAM, KASARAGOD DISTRICT.

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**3. RAJESH @ RAJESH NARAYANAN, AGED 19 YEARS,
S/O.NARAYANAN, S.T.COLONY, PADIMARUTH,
KODOM VILLAGE, RAJAPURAM, KASARAGOD DISTRICT.**

**4. SUDHEESH BABU, AGED 25 YEARS,
S/O.BABU, S.T.COLONY, PADIMARUTH KODOM VILLAGE,
RAJAPURAM, KASARAGOD DISTRICT.**

**R2,3,4 BY ADV. SRI.V.MADHUSUDHANAN
R1 BY PUBLIC PROSECUTOR SMT.S.HYMA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 25-06-2015, ALONG WITH CRL.MC.NO.3856/2015, THE COURT ON THE
SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE-A1: A TRUE COPY OF THE F.I.R. IN CRIME NO.4 OF 2015 OF RAJAPURAM
POLICE STATION.**

**ANNEXURE-AII: A TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE 2ND
RESPONDENT ENDORSING THE FACTUM OF SETTLEMENT.**

**ANNEXURE-AIII: A TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE 3RD
RESPONDENT ENDORSING THE FACTUM OF SETTLEMENT.**

**ANNEXURE-AIV: A TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE 4TH
RESPONDENT ENDORSING THE FACTUM OF SETTLEMENT.**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.

Crl.M.C.Nos.3842 & 3856 Of 2015

Dated this the 25th day of June, 2015.

ORDER

The petitioners in Crl.M.C.No.3842/2015 are the accused in Anx-A1 F.I.R in Crime No.4/2015 of Rajapuram Police Station registered for offences alleged under Secs.143, 147, 148, 323, 324, 452 r/w 149 of the IPC and the petitioners in Crl.M.C.No.3856/2015 are the accused in Anx-A1 F.I.R in Crime No.5/2015 of Rajapuram Police Station registered for offences alleged under Secs.143, 147, 148, 341, 323, 324, 294(b) r/w 149 of the IPC. It is submitted that the incident occurred in connection with widening of a road and that both cases were registered on the same day as case and counter case. It is submitted that the matter has been settled between the parties due to mediation and that the respective defacto complainants have sworn to affidavits wherein they have stated that they have no objection in the quashment of the impugned criminal proceedings pending against the respective petitioners. It is in the light of these aspects that the petitioners

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have filed these Crl.M.Cs 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

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paragraph 29 thereof, could be applied in this case to consider the prayer for quashment.

3. Accordingly, it is ordered in Crl.M.C.No.3842/2015 that impugned Anx-A1 F.I.R in Crime No.4/2015 of Rajapuram Police Station and all further proceedings arising therefrom pending against the petitioners therein stand quashed under Sec.482 of the Code of Criminal Procedure. It is also ordered in Crl.M.C.No.3856/2015 that the impugned Anx-A1 F.I.R in Crime No.5/2015 of Rajapuram Police Station and all further proceedings arising therefrom pending against the petitioners therein 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/-