

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. 3843 of 2015 ()

CRIME NO. 915/2015 OF THRISSUR WEST POLICE STATION, THRISSUR

PETITIONER/ACCUSED :

SUJITH
AGED 42 YEARS
S/O.RAMKUMAR,
FLAT NO.5A,
ARIKARIA ENCLAVE
POONKUNNAM.

BY ADV. SRI.K.B.GANGESH

RESPONDENTS/STATE & DEFACTO COMPLAINANT :

1. STATE OF KERALA
REP. BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA.

2. ACHUTHAN NAIR,
AGED 74 YEARS, S/O.KUNJU NAIR,
RESIDING AT VALLORE HOUSE
PERAMANGALAM P.O.,
THRISSUR DISTRICT- 680545.

R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE
R2 BY ADV. SMT.ATHIRA A.MENON

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/-

Crl.MC.No. 3843 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE-A1: CERTIFIED COPY OF FIR IN CRIME NO.915/2015 OF THRISSUR
WEST POLICE STATION.**

**ANNEXURE-A2: AFFIDAVIT DATED 08.06.2015 EXECUTED BY THE 2ND
RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

ALEXANDER THOMAS, J.

Crl.M.C.No.3843 Of 2015

Dated this the 25th day of June, 2015.

ORDER

The petitioner is the accused in Anx-A1 FIR in Crime No.915/2015 of Thrissur West Police Station registered for offences alleged under Secs.341 & 325 of the IPC. The prosecution allegation is that the accused pushed the defacto complainant on his neck and the defacto complainant fell down and caused injuries and thus the accused committed the alleged offence. It is submitted that the matter has been settled between the parties and that the 2nd respondent (defacto complainant) has sworn to Anx-A2 affidavit wherein he has stated that he has no objection in the quashment of the impugned criminal proceedings pending against the petitioner. It is in the light of these aspects that the petitioner has 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,

Crl.M.C.No.3843 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.

Crl.M.C.No.3843 Of 2015

3. Accordingly, it is ordered in the interest of justice that Anx-A1 final report/charge sheet filed in Crime No.915/2015 of Thrissur West Police Station, and all further proceedings arising therefrom pending against the petitioner 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/-