

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. 3855 of 2015 ()

CC NO. 428/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-III, PALAKKAD
CRIME NO. 658/2014 OF HEMAMBIKA NAGAR POLICE STATION, PALAKKAD DISTRICT

PETITIONERS/ACCUSED :

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1. RAJEESH
S/O.RAJAGOPAL, AGED 24 YEARS
MANNADIAR HOUSE, MANTHAKKAD
MALAMPUZHA, PALAKKAD DISTRICT.
 2. ASKAR,
S/O.KAMAL PASHA, AGED 22 YEARS
ANSIYA MANZIL, PUDUPALLY STREET
NOORANI, PALAKKAD DISTRICT.
 3. SHEFEEK,
S/O.MOHAMMED, AGED 19 YEARS
BARATH NAGAR, PUDUPALLY STREET
NOORANI, PALAKKAD DISTRICT.
 4. NOWFAL,
S/O.ABDUL RAHIMAN, AGED 20 YEARS
NAITHUKARA STREET, PUDUPALLY STREET
NOORANI, PALAKKAD DISTRICT.
 5. AHAMMEDKUTTY
S/O.NOWSHAD, AGED 21 YEARS
PUDUPALLY STREET, NOORANI
PALAKKAD DISTRICT.
 6. RASEEM,
S/O.MOHAMMED ALI, AGED 21 YEARS
RENSHAD MANZIL, PUDUPARIYARAM
NOORANI, PALAKKAD DISTRICT.
 7. NIXON,
S/O.JOSE, AGED 23 YEARS
CHAKKALAKKAL HOUSE,
DHONI, PALAKKAD DISTRICT.
 8. ANOOP,
S/O.CHANTH MOHAMMED,
AGED 23 YEARS, SARAVANA NIVAS, KUNNATHURMEDU
PALAKKAD DISTRICT.

BY ADV. SRI.RAJESH SIVARAMANKUTTY

...2/-

RESPONDENTS/STATE/DEFACTO COMPLAINANT :

**1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

**2. AKHILESH,
S/O.SURESH, AGED 20 YEARS,
RESIDING AT 'SOUPARNIKA', ARAYALA, AROLY
MANGODE, KANNUR DISTRICT- 679503.**

**R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE
R2 BY ADV. SRI.BOBBY MATHEW KOOTHATTUKULAM**

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

Mn

...3/-

APPENDIX

PETITIONERS' ANNEXURES :

- ANNEXURE-A:** CERTIFIED COPY OF CHARGE SHEET LAID BY THE S.I. OF POLICE, HEMAMBIKA NAGAR POLICE STATION BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE-III, PALAKKAD.
- ANNEXURE-B:** PHOTOCOPY OF SERVED COPY OF THE SUMMONS ISSUED TO THE 1ST PETITIONER.
- ANNEXURE-C:** PHOTOCOPY OF SERVED COPY OF THE SUMMONS ISSUED TO THE 2ND PETITIONER.
- ANNEXURE-D:** PHOTOCOPY OF SERVED COPY OF THE SUMMONS ISSUED TO THE 3RD PETITIONER.
- ANNEXURE-E:** PHOTOCOPY OF SERVED COPY OF THE SUMMONS ISSUED TO THE 4TH PETITIONER.
- ANNEXURE-F:** PHOTOCOPY OF SERVED COPY OF THE SUMMONS ISSUED TO THE 5TH PETITIONER.
- ANNEXURE-G:** PHOTOCOPY OF SERVED COPY OF THE SUMMONS ISSUED TO THE 6TH PETITIONER.
- ANNEXURE-H:** PHOTOCOPY OF SERVED COPY OF THE SUMMONS ISSUED TO THE 7TH PETITIONER.
- ANNEXURE-I:** PHOTOCOPY OF SERVED COPY OF THE SUMMONS ISSUED TO THE 8TH PETITIONER.
- ANNEXURE-J:** COPY OF THE AFFIDAVIT OF 2ND RESPONDENT DATED 22.6.2015.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

ALEXANDER THOMAS, J.

Crl.M.C.No.3855 Of 2015

Dated this the 25th day of June, 2015.

ORDER

The petitioners are accused in Anx-A final report/charge sheet in Crime No.658/2014 of Hemambika Nagar Police Station, Palakkad District registered for offences alleged under Secs.143, 147, 148, 149, 427 r/w 149 IPC, which is now pending as C.C.No.428/2015 on the file of the Judicial First Class Magistrate Court-III, Palakkad. It is submitted that the matter has been settled between the parties and that the 2nd respondent (defacto complainant) has sworn to Anx-J 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,

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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-A final report/charge sheet filed in Crime No.658/2014 of of Hemambika Nagar Police Station, Palakkad District, which is now pending as C.C.No.428/2015 on the file of the Judicial First Class Magistrate Court-III, Palakkad 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/-