

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937

Crl.MC.No. 3879 of 2015

CRIME NO. 840/2009 OF NORTH PARUR POLICE STATION, ERNAKULAM
.....

PETITIONER(S)/ACCUSED:

**BIJESH, AGED 27 YEARS,
S/O.GOPI, PANJAVALLIL HOUSE, VANIYAKADU,
KIZHAKKEPRAMKARA, KOTTUVALLY VILLAGE,
NORTH PARAVUR, ERNAKULAM.**

BY ADV. SRI.C.K.SREEJITH

RESPONDENT(S)/STATE, COMPLAINANT & DEFACT COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682031.**
- 2. THE STATION HOUSE OFFICER,
NORTH PARAVUR POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682031.**
- 3. ANILKUMAR, AGED 36 YEARS,
S/O.UNNI, PAZHUVAPARAMBIL HOUSE, KIZHAKKEPRAM KARA,
MANNAM P.O., KOTTUVALLY VILLAGE, NORTH PARAVUR - 683 520.**

**R1 & R2 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE
R3 BY ADV. SMT.MARY RANZOM LOUIZ**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
26-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A1:THE TRUE COPY OF THE FIR IN CRIME NO.840/2009 ON THE FILE OF
NORTH PARAVUR POLICE STATION, ERNAKULAM.**

**ANNEXURE A2:THE TRUE COPY OF CHARGE SHEET NO.561/2009 ON THE FILE OF
THE NORTH PARAVUR POLICE.**

**ANNEXURE A3:THE TRUE COPY OF THE AFFIDAVIT FILED BY THE DE FACTO
COMPLAINANT**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

ALEXANDER THOMAS, J.

Crl.M.C.No.3879 Of 2015

Dated this the 26th day of June, 2015.

ORDER

The petitioner is the 1st accused in Anx-A2 final report/charge sheet in Crime No.840/2009 of North Paravur Police Station registered for offences alleged under Secs.323, 324 r/w 34 IPC. The prosecution allegation is that the accused hit the defacto complainant causing injuries to him. The case against the 2nd accused was deleted. It is submitted that the matter has been settled between the parties out of court and that the 3rd 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 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,

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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-A2 final report/charge sheet in Crime No.840/2009 of North Paravur 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/-