

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. 3908 of 2015

C.C.NO.2524/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, TIRUR

F.I.R.NO.18/2012 OF TIRUR POLICE STATION , MALAPPURAM

PETITIONER(S)/ACCUSED NO.1 TO 4 :

1. MOIDY,
S/O.MUHAMMED, KARUMANNIL HOUSE, IRINGALLOOR,
KUZHIPRAM, VENGARA, TIRURANGADI, PIN - 676 306,
MALAPPURAM DISTRICT.
2. MUHAMMED @ BABU,
S/O.MOIDY, KARUMANNIL HOUSE, IRINGALLOOR,
KUZHIPRAM, VENGARA, TIRURANGADI, PIN - 676 306,
MALAPPURAM DISTRICT.
3. FATHIMA,
W/O.MOIDY, KARUMANNIL HOUSE, IRINGALLOOR,
KUZHIPRAM, VENGARA, TIRURANGADI, PIN- 676 306,
MALAPPURAM DISTRICT.
4. FABID RAHMAN,
S/O.MOIDY, KARUMANNIL HOUSE, IRINGALLOOR,
KUZHIPRAM, VENGARA, TIRURANGADI,
PIN - 676 306, MALAPPURAM DISTRICT.

BY ADVS.SRI.P.K.IBRAHIM
SMT.K.P.AMBIKA
SMT.A.A.SHIBI
SMT.M.K.SAMYUKTHA

RESPONDENT(S)/COMPLAINANTS AND DEFACTO COMPLAINANT :

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. THE SUB INSPECTOR OF POLICE,
TIRUR POLICE STATION, TIRUR
PIN - 676 101, MALAPPURAM DISTRICT.

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**3. ABDULLAKUTTY, AGED 61 YEARS,
S/O.BAPU, ANDIPPATTIL HOUSE, PURATHUR P.O.,
PIN - 676 102, MALAPPURAM.**

R1 & R2 BY PUBLIC PROSECUTOR SMT.S.HYMA

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

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE-A1: A COPY OF FIR IN CRIME NO.18/2012 AT TIRUR POLICE
STATION DATED 04.01.2012.**

**ANNEXURE-A2: A COPY OF THE FINAL REPORT FILED BY
THE 2ND RESPONDENT IN CRIME NO.18/2012
DATED 30.01.2012.**

**ANNEXURE-A3: A COPY OF THE AFFIDAVIT SWORN TO BY
THE 3RD RESPONDENT DATED 06.05.2015.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

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Dated this the 26th day of June, 2015.

ORDER

The petitioners are accused Nos.1 to 4 in Anx-A2 final report/charge sheet filed in Crime No.18/2012 of Tirur Police Station registered for offences alleged under Secs.452, 294, 506(1) r/w 34 IPC, which is now pending as C.C.No.2524/2012 on the file of the Judicial First Class Magistrate Court-I, Tirur. It is submitted that the matter has been settled between the parties 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 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
Anx-A2 final report/charge sheet filed in Crime No.18/2012 of

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Tirur Police Station, which is now pending as C.C.No.2524/2012 on the file of the Judicial First Class Magistrate Court-I, Tirur 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/-