

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS**

**THURSDAY, THE 2ND DAY OF JULY 2015/11TH ASHADHA, 1937**

**Crl.MC.No. 3935 of 2015 ()**

**CR. NO. 360/2015 OF VADAKKENCHERRY POLICE STATION, PALAKKAD DIST.**

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**PETITIONERS/ACCUSED NOS.1 TO 4:**

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- 1. RAJU, AGED 28 YEARS,  
S/O.LAKSHMANAN, CHALLITHARA,  
PULIKKOOTTAM, MANJAPRA P.O, PALAKKAD.**
- 2. SATHEESH, AGED 24 YEARS,  
S/O. RAJAN ASARI, CHALLITHARA,  
PULIKKOOTTAM, MANJAPRA P.O, PALAKKAD.**
- 3. SIVADASAN, AGED 27 YEARS,  
S/O. SWAMINATHAN, CHALLITHARA,  
PULIKKOOTTAM, MANJAPRA P.O, PALAKKAD.**
- 4. MAHESH, AGED 25 YEARS,  
S/O. VELAYUDHAN, CHALLITHARA,  
PULIKKOOTTAM, MANJAPRA P.O, PALAKKAD.**

**BY ADV. SRI.C.Y.VINOD KUMAR.**

**RESPONDENTS- STATE & DEFACTO COMPLAINANT:**

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- 1. STATE OF KERALA,  
(REP. BY THE SUB INSPECTOR OF POLICE,  
VADAKKENCHERRY POLICE STATION-  
CR. NO.360/2015 OF VADAKKENCHERRY POLICE STATION),  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. MAHESH, AGED 24 YEARS,  
S/O. VAILAPPA, BASUVANNA TEMPLE, VASAKODIPURA GRAMAM,  
KANAHALLI P.O., SHIKKARAPPURA TALUK, SHIMOVA DISTRICT,  
KARNATAKA STATE- 550 012.**

**R1 BY PUBLIC PROSECUTOR SRI.N. SURESH.**

**R2 BY ADV. SRI.K.K.JAYARAJ NAMBIAR.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 02-07-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**rs.**

**APPENDIX**

**PETITIONER'S ANNEXURES:-**

**ANNEXURE A1      COPY OF THE FIR IN CR. NO.360/2015 DATED 22/02/2015  
OF VADAKKENCHERRY POLICE STATION ON THE FILE  
OF THE JUDICIAL FIRST CLASS MAGISTRATE'S COURT,  
ALATHUR.**

**ANNEXURE A2      AFFIDAVIT DATED 25/06/2015 SWORN BY THE  
2ND RESPONDENT.**

**RESPONDENT'S ANNEXURES:-      NIL.**

**//TRUE COPY//**

**P.A. TO JUDGE**

**rs.**

ALEXANDER THOMAS, J.

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Crl.M.C No.3935 of 2015

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Dated this the 2<sup>nd</sup> day of July, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.360/2015 of Vadakkencherry Police Station, registered under Sections 394 of IPC. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the de facto complainant out of court. The de facto complainant is the 2<sup>nd</sup> respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. He has filed affidavit to the effect that he has settled the whole dispute with the accused and he has no grievance or complaint.

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 continuance of 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 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.

Accordingly, the impugned F.I.R and further proceedings arising out of Crime No.360/2015 of Vadakkencherry Police Station, including all further proceedings on the file of the Judicial First Class Magistrate's Court, Alathur pending against the petitioners herein will stand quashed under Section 482 of the Code of Criminal Procedure.

With these observations and directions, this Crl.M.C. stands finally disposed of.

sab

sd/-  
ALEXANDER THOMAS, JUDGE

