

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ALEXANDER THOMAS

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

Crl.MC.No.3945 of 2015

**CC NO.922/2010 of JUDICIAL FIRST CLASS MAGISTRATE COURT,KAYAMKULAM.
CRIME NO.884/2010 OF KAYAMKULAM POLICE STATION.**

PETITIONER'S/ACCUSED NO.1 & 3:

1. **ALI,S/O.MOHAMMED,THANGAL VEETIL KIZHAKKATHIL VEEDU,
KAYAMKULAM VILLAGE P.O.,KARTHIKAPPALLY TALUK,
ALAPPUZHA,PIN - 690 502.**
2. **DENNY VARGHESE,AGED 31 YEARS,
S/O.NINAN VARGHESE,DENNY VILLA,
ERUVA EAST,ERUVA P.O.,KAYAMKULAM VILLAGE,
KAYAMKULAM,ALAPPUZHA,PIN - 690 502.**

**BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S
SRI.RENJIT GEORGE
SMT.ANJU MOHAN
SRI.S.VISHNU (ARIKKATTIL)**

RESPONDENT'S/STATE AND CW1 TO CW3:

1. **STATE OF KERALA,REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM,PIN - 682 031.**
2. **PRADEEP,AGED 30 YEARS,S/O.PRABHAKARAN,
MANAVALANS HOUSE,ERUVA MURI,
PATHIYOOR VILLAGE,ALAPPUZHA - 688 001.**
3. **PRABHAKARAN,AGED 56 YEARS,S/O.NANU,
MANAVALANS HOUSE,ERUVA MURI,
PATHIYOOR VILLAGE,ALAPPUZHA DISTRICT -688 001.**
4. **MANIYAMMA,AGED 49 YEARS,W/O.PRABHAKARAN,
MANAVALANS HOUSE,ERUVA MURI,
PATHIYOOR VILLAGE,ALAPPUZHA DISTRICT -688 001.**

**R1 BY PUBLIC PROSECUTOR SRI.C.K.SURESH.
R2 TO R4 BY ADV.SRI.OMAR SALIM**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Crl.MC.No.3945 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEXURE-A1:THE CERTIFIED COPY OF THE CHARGE SHEET IN C.C.
NO.922/2010 ON THE FILE OF THE JUDICIAL FIRST CLASS
MAGISTRATE COURT - KAYAMKULAM AND IN CRIME
NO.884/2010 OF KAYAMKULAM POLICE STATION.**

**ANNEXURE-A2:AN AFFIDAVIT SWORN BY THE SECOND RESPONDENT STATING
THE SETTLEMENT OF ALL THE DISPUTES.**

**ANNEXURE-A3:AN AFFIDAVIT SWORN BY THE THIRD RESPONDENT STATING
THE SETTLEMENT OF ALL THE DISPUTES.**

**ANNEXURE-A4:AN AFFIDAVIT SWORN BY THE FOURTH RESPONDENT STATING
THE SETTLEMENT OF ALL THE DISPUTES**

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

ALEXANDER THOMAS, J.

=====

Crl.M.C No.3945 of 2015

=====

Dated this the 29th day of June, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.884/2010 of Kayamkulam Police Station, registered under Sections 447, 323, 294(b) r/w 34 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 respondent Nos. 2 to 4 have filed affidavit to the effect that they have settled the dispute with the accused and they have no grievance or complaint now.

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.884/2010 of Kayamkulam Police Station, including all further proceedings arising out of C.C.No.922/2010 on the file of the Judicial First Class Magistrate's Court, Kayamkulam 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.

sd/-

sab

ALEXANDER THOMAS, JUDGE

