

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. 3957 of 2015 ()

**CC.NO. 301/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, CHAVARA
CRIME NO. 673/2013 OF CHAVARA POLICE STATION, KOLLAM DISTRICT**

PETITIONER(S)/ACCUSED 1 TO 3 :

- 1. SHIJU T.,S/O.THAMPAN, AGED 32 YEARS,
SHINU NIVAS, CHAVARA BRIDGE POST, CHAVARA,
KOLLAM DISTRICT-691 583**
- 2. SARATH.S., S/O.SASANKAN,AGED 25 YEARS,
SALA BAVAN, CHAVARA BRIDGE POST, CHAVARA,
KOLLAM DISTRICT-691 583**
- 3. SHINU.T., S/O.THAMPAN, AGED 32 YEARS,
SHINU NIVAS, CHAVARA BRIDGE POST, CHAVARA,
KOLLAM DISTRICT-691 583**

**BY ADVS.SRI.JAI GEORGE
SMT.DAISY A.PHILIPOSE**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SREEKUMAR.S., S/O.SHARANGATHAN, AGED 33 YEARS,
KANNANKARA VADAKKETHIL, CHAVARA BRIDGE POST,
CHAVARA, KOLLAM DISTRICT-691 583.**
- 3. GOPIKA.S., D/O.SHARANGATHAN,AGED 33 YEARS,
KANNANKARA VADAKKETHIL, CHAVARA BRIDGE POST,
CHAVARA, KOLLAM DISTRICT-691 583**

**R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE
R2 & R3 BY ADV. SRI.HARISH R. MENON**

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

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CRMC.NO.3957/2015

APPENDIX

PETITIONER'S ANNEXURES:

- ANNEX A1** **COPY OF THE FIRST INFORMATION REPORT IN CRIME NO.673/13
DATED 22/4/2013 OF CHAVARA POLICE STATION**
- ANNEX A2** **COPY OF THE FINAL REPORT C.C.NO.301/2015 BEFORE THE COURT
OF TEMPORARY JUDICIAL 1 CLASS MAGISTRATE CHAVARA**
- ANNEX A3** **COPY OF THE ADVICE NO.MR III(2)4370/11-12 DATED 19/5/2015 FOR
APPOINTMENT AS POLICE CONSTABLE ISSUED FROM THE PUBLIC
SERVICE COMMISSION, DISTRICT OFFICE MALAPPURAM**
- ANNEX A4** **COPY OF THE LETTER NO.A2-15658/2015/M ISSUED TO THE
PETITIONER.**
- ANNEX A5** **COPY OF THE AFFIDAVIT DATED 25/6/2015 IS ALSO SWORN IN BY THE
2ND RESPONDENT AND 3RD RESPONDENT**

RESPONDENT'S ANNEXURES: **NIL**

/TRUE COPY/

P.S.TO JUDGE

sts

ALEXANDER THOMAS, J.

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Crl.M.C.No. 3957 of 2015

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Dated this the 29th day of June, 2015

O R D E R

The petitioners herein are accused Nos.1 to 3 in the impugned Anx.A-2 final report/charge sheet filed in Anx.A-1 Crime No.673/2013 of Chavara Police Station registered for offences punishable under Secs.294(b), 323, 324, 506(1) read with Sec.34 of the I.P.C., which led to the institution of C.C.No. 301/2015 on the file of the Court of Temporary Judicial First Class Magistrate-I, Chavara. It is stated that now the entire disputes between the petitioners and R-2 and R-3 (defacto complainant) have been settled amicably and that respondents 2 and 3 have sworn to Anx.A-5 affidavit before this Court, wherein it is stated that they have settled the entire disputes with the petitioners and that they have 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 preferred the instant Crl.M.C. with the prayer to quash the impugned criminal proceedings against them.

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 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. Accordingly, it is ordered in the interest of justice that the impugned Anx.A-2 final report/charge sheet filed in the impugned Anx.A-2

final report/charge sheet filed in Anx.A1 Crime No.673/2013 of Chavara Police Station, which led to the institution of C.C.No. 301/2015 on the file of the Court of Temporary Judicial First Class Magistrate-I, Chavara and all further proceedings arising therefrom pending against the petitioners stand quashed.

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

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ALEXANDER THOMAS, JUDGE

Lower Court case number "C.C.301/2015" wherever it occurs in the final order dated 29.6.2015 in Crl.M.C.No.3957/2015 is corrected and substituted as "C.C.No.681/2014" vide order dated 23.07.2015 in Crl.M.A.No. 6927/2015 in Crl.M.C.No. 3957/2015.

Sd/-
Registrar (Judicial)

///True copy///

P.S. to Judge