IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 30TH DAY OF JUNE 2015/9TH ASHADHA, 1937

Crl.MC.No. 3963 of 2015 ()

CC.NO. 954/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT -I,ATTINGAL
CRIME NO. 516/2012 OF ATTINGAL POLICE STATION , THIRUVANANTHAPURAM

PETITIONER(S)/ACCUSED 1 TO A6:

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1. **ARUN, AGED 25 YEARS,**
   S/O.MOHANAN, CHARUVILA PUTHEN VEEDU,
   PEELIYOTTUKONAM COLONY LAKSHAM VEEDU,
   VALAKKADU DESOM, MUDAKKAL VILLAGE,
   THIRUVANANTHAPURAM.

2. **DILEEP,AGED 23 YEARS,**
   S/O. DASAN, DILEEP BHAVAN, MP VIII/203,
   PEELIYOTTUKONAM LAKSHAM VEEDU,VALAKKADU DESOM,
   MUDAKKAL VILLAGE, THIRUVANANTHAPURAM.

3. **RAJESH,AGED 22 YEARS,S/O. BABY,**
   MP VII/167, CHARUVILA PUTHEN VEEDU,
   PEELIYOTTUKONAM, VALAKKADU DESOM, MUDAKKAL VILLAGE,
   THIRUVANANTHAPURAM.

4. **ANIL, AGED 31 YEARS,**
   S/O. BABU, MP VII/131, CHARUVILA VEEDU,
   PEELIYOTTUKONAM COLONY, VALAKKADU DESOM,
   MUDAKKAL VILLAGE, THIRUVANANTHAPURAM.

5. **AJU,AGED 28 YEARS,**
   S/O. ANIRUDHAN, MP VII/173, CHARUVILA PUTHEN VEEDU,
   PEELIYOTTUKONAM COLONY, VALAKKADU DESOM,
   MUDAKKAL VILLAGE, THIRUVANANTHAPURAM.

6. **SHYJU, AGED 26 YEARS,**
   S/O. ANIRUDHAN, MP VII/173, CHARUVILA PUTHEN VEEDU,
   PEELIYOTTUKONAM COLONY, VALAKKADU DESOM,
   MUDAKKAL VILLAGE, THIRUVANANTHAPURAM.

BY ADV. SRI.SHAJIN S.HAMEED

RESPONDENT(S)/STATE, CW 1 TO CW3:

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1. **STATE OF KERALA,**
   REPRESENTED BY THE SUB INSPECTOR OF POLICE,
   ATTINGAL POLICE STATION,
   REPRESENTED THROUGH THE PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

CRMC.NO.3963/2015

2. ANSHAD,AGED 23 YEARS,
S/O. ABDUL AZEEZ, AJIMSHA MANZIL, VALAKKADU,
CHEMPOORU DESOM, MUDAKKAL VILLAGE,
THIRUVANANTHAPURAM - 695 103.

3. SHAHIN,S/O. AZEEM,
AR MARHABA, VALAKKADU,
CHEMPOORU DESOM, MUDAKKAL VILLAGE,
THIRUVANANTHAPURAM.PIN-695 103

4. SHAMNAD,AGED 24 YEARS,
S/O. SHAJAHAN, FATHIMA MANZIL, VALAKKADU DESOM,
MUDAKKAL VILLAGE, THIRUVANANTHAPURAM.PIN-695 103

R1 BY PUBLIC PROSECUTOR SRI. N.SURESH
R2 TO R4 BY ADV. SRI.R.GOPAN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30-06-2015,ALONG WITH CRMC.NO.3967 OF 2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

sts

CRMC.NO.3963/2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEX A **CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.516/2012 OF ATTINGAL POLICE STATION**

ANNEX B **AFFIDAVIT SWORN BY THE 2ND RESPONDENT**

ANNEX C **AFFIDAVIT SWORN BY THE 3RD RESPONDENT**

ANNEX D **AFFIDAVIT SWORN BY THE 4TH RESPONDENT**

RESPONDENT'S ANNEXURES: **NIL**

/TRUE COPY/

P.A.TO JUDGE

sts

ALEXANDER THOMAS, J.

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Crl.M.C.Nos.3963 & 3967 of 2015

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Dated this the 30th day of June 2015

O R D E R

The petitioners in Crl.M.C.No.3963/2015 are accused Nos.1 to 6 in the impugned Anx.A final report/charge sheet filed in Crime No.516/2012 of Attingal Police Station, registered for offences punishable under Secs.143, 147, 148, 294(b) and 323, 324, 452 read with 149 I.P.C., at the instance of the 2nd respondent therein, which has led to the institution of C.C.No.954/2012 on the file of the Judicial First Class Magistrate's Court-I, Attingal. The petitioners in Crl.M.C.No.3967/2015 are accused Nos.2 to 5 in Anx.A final report/charge sheet filed in Crime No.582/2012 of Attingal Police Station, registered for offences punishable under Secs.143, 147, 148, 294(b), 323, 324 read with Sec.149 of the I.P.C, at the instance of the 2nd respondent therein, which has led to the institution of C.C.No. 1079/2012 on the file of the Judicial First Class Magistrate's Court-I, Attingal. It is submitted by both sides that the above referred cases are case and counter case. It is stated that now the

entire disputes between the contesting respondents in these Crl.M.Cs. have been settled amicably and that affidavits of the respective parties have also been filed in these cases, wherein it is stated that they have no objection for quashment of the impugned criminal proceedings pending against their opposite parties in the aforestated crimes. It is in the light of these aspects that the petitioners have preferred the instant Criminal Miscellaneous Cases 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:-

(i) In Crl.M.C.No.3963/2015 the impugned Anx.A final report/charge sheet filed in Crime No.516/2012 of Attingal Police Station, Thiruvananthapuram district, which has led to to the institution of C.C.No.954/2012 on the file of the Judicial First Class Magistrate's Court-I, Attingal and all further proceedings arising therefrom pending against the petitioners therein stand quashed.

(ii) in Crl.M.C.No.3967/2015 the impugned Anx.A final report/charge sheet filed in Crime No.582/2012 of Attingal Police Station, Thiruvananthapuram district, which has led to the institution of C.C.No.1079/2012 on the file of the Judicial First Class Magistrate's Court-I, Attingal and all further proceedings arising therefrom pending against the petitioners therein stand quashed.

With these observations and directions these Criminal Miscellaneous Cases stand finally disposed of.

Sd/-

sab ALEXANDER THOMAS, JUDGE

///True copy///

P.S. to Judge