

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. 3970 of 2015 ()

**LP NO.95/2014 IN CC. NO.426/2010 OF JUDICIAL FIRST CLASS MAGISTRATE
COURT-II, PERINTHALMANNA.
CRIME NO. 126/2010 OF MELATTUR POLICE STATION, MALAPPURAM DISTRICT.**

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PETITIONER/ACCUSED NO.1:-:

**MOHAMMED BABU, AGED 51 YEARS,
S/O.ABDULLA HAJI, POOTHANKODAN HOUSE,
EDAPPATTA, MELATTUR, MALAPPURAM DISTRICT.**

BY ADV. SRI.P.SAMSUDIN.

RESPONDENTS/DE-FACTO COMPLAINANT AND STATE:-:

- 1. ABOOBACKER, AGED 26 YEARS,
S/O.ABU HAJI, POOTHANKODAN HOUSE, EDAPPATTA,
MELATTUR - 679 326, MALAPPURAM DISTRICT.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031,
(THROUGH THE SUB INSPECTOR OF POLICE,
MELATTUR IN CRIME NO.126/2010 OF
MELATTUR POLICE STATION).**

**R1 BY ADV. SRI.K.C.ANTONY MATHEW
R2 BY PUBLIC PROSECUTOR SRI.GITHESH.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- ANNEXURE A1. CERTIFIED COPY OF FINAL REPORT IN CRIME NO.126/2010
 MELATTUR POLICE STATION.**
- ANNEXURE A2. TRUE COPY OF WOUND CERTIFICATE.**
- ANNEXURE A3. THE AFFIDAVIT DATED 20.06.2015 SWORN IN BY
 THE 1ST RESPONDENT.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

ALEXANDER THOMAS, J.

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CrI.M.C No.3970 of 2015

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Dated this the 30th day of June, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.126 of 2010 of Melattur Police Station, registered under Sections 341, 324 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 de facto complainant is the 1st 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.126 of 2010 of Melattur Police Station, including all further proceedings arising out of LPC No.95/2014 on the file of the Judicial First Class Magistrate's Court-II, Perintalmanna pending against the petitioner 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

