

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937

Crl.MC.No. 3993 of 2015 ()

CRIME NO. 633/2015 OF PAYYANNUR POLICE STATION , KANNUR DISTRICT

PETITIONER(S)/ACCUSED NO.1 AND 2:

1. K.C.PALATHULLA USMAN,
S/O.MUHAMMED KUNHI, RAMANTHALI AMSOM,
VADAKKUMBAD, TALIPARAMBA TALUK,
KANNUR DISTRICT.
2. MOUNA VALAPPIL AMEEN,
RAMANTHALI AMSOM DESOM, KANANGAD,
TALIPARAMBA TALUK, KANNUR DISTRICT.

BY ADV. SRI.M.V.AMARESAN

RESPONDENT(S)/COMPLAINANTS:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN-682 031
2. HAMZA P.S, AGED 64 YEARS,S/O. UBAID,
PANDIKASALAYIL HOUSE, RAMANTHALI AMSOM,
VADAKKUMBAD, KANNUR DISTRICT, PIN-670 105
3. JANEER BABU P.,S/O. KOYADEEN, AGED 31 YEARS,
VAYALIL AKATH HOUSE, RAMANATTUKARA,
KOZHIKODE DISTRICT, PIN-673 633

**R1 BY PUBLIC PROSECUTOR SRI.N.SURESH
R2 & R3 BY ADV. KUM.D.MINI RAJAN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 01-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

Crl.MC.No. 3993 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEX 1: TRUE COPY OF FIR IN CRIME NO.633 OF 2015 OF PAYYANNUR POLICE STATION

ANNEX 1(A): TRUE COPY OF F.I.S GIVEN BY THE 2ND RESPONDENT DATED 7.5.2015

ANNEX 2: TRUE COPY OF AFFIDAVIT OF THE 2ND RESPONDENT DATED 25.6.2015

ANNEX 3: TRUE COPY OF AFFIDAVIT OF THE 3RD RESPONDENT DATED 25.6.2015

RESPONDENT(S)' ANNEXURES: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

ALEXANDER THOMAS, J.

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Crl.M.C No.3993 of 2015

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Dated this the 1st day of July, 2015

ORDER

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.633 of 2015 of Payyannur Police Station, registered under Sections 452, 323, 326 and Section 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 2nd 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. The other person who sustained injuries in the alleged incident is the respondent No.3. He has also filed affidavit to the effect that he has settled the dispute with the accused and he has 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.633 of 2015 of Payyannur Police Station, including all further proceedings 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