

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. 3999 of 2015

**CC 1970/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KASARAGOD
CRIME NO. 55/2014 OF KUMBLA POLICE STATION , KASARGOD**

PETITIONER/ACCUSED:

1. **ABDUL RASSAK, AGED 41 YEARS,
S/O MOIDEEN, MASTER HOUSE, KALATHOOR
KALATHOOR VILLAGE, MANJESHWAR TALUK,
KASARAGOD DISTRICT.**
2. **ABDUL KHADER @ KHADER, AGED 43 YEARS,
S/O AMDUMHI, CHEPPINADUKKA, ICHILAMPADY,
KALATHOOR VILLAGE, MANJESHWAR TALUK,
KASARAGOD DISTRICT.**
3. **SAKARIYA, AGED 23 YEARS
S/O ABBASS, KALATHOOR, ICHILAMPADY,
KALATHOOR VILLAGE, MANJESHWAR TALUK,
KASARGOD DISTRICT.**

BY ADV. SRI.P.B.AJOY

RESPONDENT/STATE/COMPLAINANT:

1. **STATE OF KERALA,
REPRESENTED BY SHO OF KUMBLA POLICE STATION,
KASARGOD DISTRICT, THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**
2. **MOIDEEN KUNHI, AGED 35 YEARS,
S//O ABDULLA, KALATHOOR, KALATHOOR VILLAGE,
MANJESHWAR TALUK, KASARGOD DISTRICT-671321.**

**R1 BY PUBLIC PROSECUTOR SRI.N.SURESH
R2 BY ADV. SRI.R.ANAS MUHAMMED SHAMNAD**

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

PJ

Crl.MC.No. 3999 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE A: THE CERTIFIED COPY OF THE CHARGE SHEET IN CC NO.1970/2014 IN
THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
KASARGOD IN CRIME NO.55/2014 OF KUMBLA POLICE STATION.**

**ANNEXURE B: ORIGINAL AFFIDAVIT DATED 15.6.2015 SWORN BY THE 2ND
RESPONDENT/DEFACTO COMPLAINANT**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.
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Crl.M.C No.3999 of 2015
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Dated this the 1st day of July, 2015
O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.55/2014 of Kumbbla Police Station, registered under Sections 341, 323, 324, r/w 34 of the I.P.C. 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.

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.55/2014 of Kumbbla Police Station, including all further proceedings arising out of C.C.No.1970/2014 on the file of the Judicial First Class Magistrate Court-I, Kasargod 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.

sab

sd/-
ALEXANDER THOMAS, JUDGE

