

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 2ND DAY OF JULY 2015/11TH ASHADHA, 1937

Crl.MC.No. 4037 of 2015

**CC 484/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KASARGOD.
CRIME NO. 319/2013 OF KUMBLA POLICE STATION, KASARGOD.**
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PETITIONER(S)/ACCUSED:

1. NOUSHAD G.I, S/O. ISMAIL, AGED 27 YEARS,
LINE HOUSE, ANGADIMUGAL, P.O.BADUR,
PUTHIGE PANCHAYAT, KASARGOD TALUK.
2. ABDUL SAJID B, S/O. MUHAMMED, AGED 32 YEARS,
BULAYALAM HOUSE, ANGADIMUGAL, P.O.BADUR,
PUTHIGE PANCHAYAT, KASARGOD TALUK.
3. YOUSUF @ ICCHU, S/O. KUNJALI, AGED 34 YEARS,
BANTHADUKKAM HOUSE, ANGADIMUGAL, P.O.BADUR,
PUTHIGE PANCHAYAT, KASARGOD TALUK.
4. ASHIQ @ HAMEEDALI, S/O. ABDULLA, AGED 25 YEARS,
PERIYAMUGAL HOUSE, ANGADIMUGAL, P.O. BADUR,
PUTHIGE PANCHAYAT, KASARGOD TALUK.

BY ADV. SMT.REENA ABRAHAM

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. STATION HOUSE OFFICER, KUMBALA, KASARGOD.
3. IBRAHIM KHALEEL B.K, S/O. LATE ABDULKHADER,
PERLADKA, OPP. JUMA MASJID, BADOOR VILLAGE
AND POST, KASARGOD TALUK.

**R1 & R2 BY PUBLIC PROSECUTOR SRI.SURESH.N
R3 BY ADV. SUBASH BOZZ V.M.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 02-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEXURE A1 - TRUE COPY OF THE FIR IN CRIME NO. 319/2013 OF POLICE STATION, KASARGOD WHICH IS NOW PENDING AS CC NO. 48 THE FILE OF CHIEF JUDICIAL MAGISTRATE COURT, KASARGOD.
- ANNEXURE A2 - TRUE COPY FO THE FINAL REPORT IN CRIME NO. 319/2013 OF KUMBALA POLICE STATION, KASARGOD WHICH IS NOW PENDING AS CC NO. 484/2013 ON THE FILE OF CHIEF JUDICIAL MAGISTRATE COURT, KASARGOD.
- ANNEXURE A3 - TRUE COPY OF THE AFFIDAVIT DATED 11.2.15 SWORN TO BY THE DEFACTO COMPLAINANT.

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C.No. 4037 of 2015

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Dated this the 2nd day of July, 2015

ORDER

The petitioners herein are the accused in the impugned Anx.A-1 FIR in Crime No.319/2013 of Kumbala Police Station, Kasargod district, registered for offences punishable under Secs.341, 323, 324, 506(ii) read with Sec.34 of the I.P.C., which has led to the institution of Calendar Case, C.C.No. 484/2013 on the file of the Judicial First Class Magistrate's Court, Kasargod. It is stated that now the entire disputes between the petitioners and 3rd respondent defacto complainant have been settled amicably and that the 3rd respondent has sworn to Anx.A-3 affidavit before this Court, wherein it is stated that he has settled the entire disputes with the petitioners and that he has 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-1 FIR in Crime No.319/2013 of Kumbala Police Station,

Kasargod district, which has led to the institution of Calendar Case, C.C.No.484/2013 on the file of the Judicial First Class Magistrate's Court, Kasargod and all further proceedings arising therefrom pending against the petitioners herein stand quashed.

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

sd/+
ALEXANDER THOMAS, JUDGE

///True copy///

P.S. to Judge