

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. 4044 of 2015

**CC 759/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT -I, HOSDRUG.
CRIME NO. 142/2015 OF CHANDERA POLICE STATION, KASARGOD.**
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PETITIONER/ACCUSED:

**ABDUL RAHIMAN A.B, AGED 60 YEARS,
S/O.IBRAHIMKUTTY HAJI,
RESIDING AT AYISHA MANZIL, THANKAYAM,
NORTH THRIKARIPUR VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT.**

BY ADV. SRI.T.MADHU

RESPONDENTS/STATE:

- 1. THE STATE OF KERALA,
THROUGH THE STATION HOUSE OFFICER,
CHANDERA POLICE STATION, KASARAGOD DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682031.**
- 2. MUHAMMED AMEEN E.V, AGED 32 YEARS,
S/O.ABDULLA K, RESIDING AT AMINA MANZIL, THANKAYAM,
NORTH THRIKARIPUR VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT-671310.**

**R1 BY PUBLIC PROSECUTOR SRI.GITHESH.R
R2 BY ADV. SMT.G.SANGEETHA**

**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 1:-** THE TRUE CERTIFIED COPY OF THE FIR IN CRIME NO 142/2015 OF CHANDERA POLICE STATION.
- ANNEXURE 2:-** THE TRUE CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO 142/2015 OF CHANDERA POLICE STATION.
- ANNEXURE 3:-** THE AFFIDAVIT DATED 29/6/2015 SWORN IN BY THE 2ND RESPONDENT.
- ANNEXURE 4:-** THE TRUE COPY OF THE MEMO OF EVIDENCE IN CRIME NO 142/2015 OF CHANDERA POLICE STATION.

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C.No. 4044 of 2015

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Dated this the 2nd day of July, 2015

ORDER

The petitioner herein is the sole accused in the impugned Anx.A-2 final report/charge sheet filed in Anx.A-1 Crime No.142 / 2015 of Chandra Police Station, registered for offences punishable under Secs.294(b), 323, 324 and 341 of the I.P.C., which has led to the institution of Calendar Case, C.C.No.759/2015 on the file of the Judicial First Class Magistrate's Court-I, Hosdurg. It is stated that now the entire disputes between the petitioner and 2nd respondent defacto complainant have been settled amicably and that the 2nd respondent has sworn to Anx.A-3 affidavit before this Court, wherein it is stated that he has settled the entire disputes with the petitioner and that he has no objection for quashment of the impugned criminal proceedings pending against the petitioner. It is in the light of these aspects that the petitioner has preferred the instant Crl.M.C. with the prayer to quash the impugned criminal proceedings against him.

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-2 final report/charge sheet filed in Anx.A-1 Crime

No.142/2015 of Chandra Police Station, which has led to the institution of Calendar Case, C.C.No.759/2015 on the file of the Judicial First Class Magistrate's Court-I, Hosdurg, and all further proceedings arising therefrom pending against the petitioner herein stand quashed.

The Crl.M.C. is disposed of as above.

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Sd/-
ALEXANDER THOMAS, JUDGE

///True copy///

P.S. to Judge