

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 6TH DAY OF JULY 2015/15TH ASHADHA, 193

Crl.MC.No. 4103 of 2015 ()

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CC.NO. 265/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, PATTAMBI
CRIME NO. 401/2013 OF PATTAMBI POLICE STATION, PALAKKAD
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PETITIONERS/ACCUSED NO.1 TO 5 :

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- 1. ABDUL RAHIM, AGED 21 YEARS
S/O.ABBAS MOULAVI, PADINCHARETHIL HOUSE
MANNENGOD P.O., PULASSERY, OTTAPPALAM TALUK
PALAKKAD DISTRICT.**
 - 2. ALFAS, AGED 22 YEARS
S/O.KUNCHU MUHAMMED, VALIYAPARAMBIL HOUSE
MANNENGOD P.O., PULASSERY, OTTAPPALAM TALUK
PALAKKAD DISTRICT.**
 - 3. SIYAD, AGED 22 YEARS
S/O.MUHAMMED MOULAVI, MENAKKAN HOUSE, MANNENGOD P.O.
PULASSERY, OTTAPPALAM TALUK, PALAKKAD DISTRICT.**
 - 4. NISSAM, AGED 22 YEARS
S/O.YUSUF, POTTACHIRA HOUSE, MANNENGOD P.O.
PULASSERY, OTTAPPALAM TALUK, PALAKKAD DISTRICT.**
 - 5. ALI, AGED 26 YEARS
S/O.ABU, POTTACHIRA HOUSE, MANNENGOD P.O.
PULASSERY, OTTAPPALAM TALUK, PALAKKAD DISTRICT.**

BY ADV. SRI.A.HAROON RASHEED

RESPONDENTS/COMPLAINANT :

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- 1. STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE
PATTAMBI POLICE STATION, PALAKKAD DISTRICT
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

2. HYDERALI, AGED 45 YEARS

**S/O.HAMSA, MADATHIPARAMBIL HOUSE, CHUNDAMPATTA P.O.
KULUKKALLUR, OTTAPPALAM TALUK, PALAKKAD DISTRICT.**

3. NISAR, AGED 19 YEARS

**S/O.HYDERALI, MADATHIPARAMBIL HOUSE, CHUNDAMPATTA P.O.
KULUKKALLUR, OTTAPPALAM TALUK, PALAKKAD DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SRI. N. SURESH
R2 & R3 BY ADV. SRI.T.PRASAD**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 06-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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...3/-

Crl.MC.No. 4103 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

- ANNEXURE A1. THE TRUE COPY OF THE F.I.R AND F.I.S IN CRIME NO.401/2013
 OF PATTAMBI POLICE STATION.**
- ANNEXURE A2. THE TRUE COPY OF THE FINAL REPORT OF C.C.NO.265/2014
 PENDING BEFORE THE J.F.C.M COURT, PATTAMBI.**
- ANNEXURE A3. THE TRUE COPY OF THE AFFIDAVIT REGARDING SETTLEMENT
 SIGNED BY THE 2ND RESPONDENT.**
- ANNEXURE A4. THE TRUE COPY OF THE AFFIDAVIT REGARDING SETTLEMENT
 SIGNED BY THE 3RD RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C No.4103 of 2015

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Dated this the 6th day of July, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.401/2013 of Pattambi Police Station, registered under Sections 141, 146, 147, 341, 323, 324, 326 and 506(ii) 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 are 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.401/2013 of Pattambi Police Station, including all further proceedings arising out of C.C.No.265/2014 on the file of the Judicial First Class Magistrate's Court, Pattambi

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