

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 7TH DAY OF JULY 2015/16TH ASHADHA, 1937

Crl.MC.No. 4159 of 2015 ()

CRIME NO. 37/2012 OF MEPPAYUR POLICE STATION, KOZHIKODE DISTRICT

PETITIONER/ACCUSED :

**SHIBEER
20 YEARS, S/O KUNHAMMAD,
KOYAMBRATH HOUSE, KEEZPAYUR
KOZHIKODE.**

BY ADV. SMT.K.DEEPA (PAYYANUR)

RESPONDENT :

**STATE OF KERALA
REP. BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI. N. SURESH

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

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Crl.MC.No. 4159 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES :

ANNEXURE I: TRUE COPY OF THE FIR IN CRIME NO.37/2012 OF THE
MEPPAYUR POLICE STATION, KOZHIKODE.

ANNEXURE II: TRUE COPY OF THE FINAL REPORT OF CRIME NO.37/2012 OF
THE MEPPAYUR POLICE STATION, KOZHIKODE.

ANNEXURE III: TRUE COPY OF THE COMMON ORDER DATED 17.12.2014 OF
THIS HON'BLE COURT IN CRL.M.C.NOS.6692 & 6693 OF 2014.

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.4159 of 2015
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Dated this the 7th day of July, 2015
O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.37/2012 of Meppayur Police Station, registered under Sections 143, 147, 148, 341, 324, 506(2), 308 r/w 149 of IPC. The impugned criminal proceedings initiated against A1 and A2 were already been quashed based on the settlement between the parties by this Court as per the Common order in Crl.M.C No.6692 and 6693 dated 17.12.2014 as per Anx.III. Now the case against the petitioner is pending before the Juvenile Board, Kozhikode as S.T No.20/2013. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the de facto complainant out of court.

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.37/2012 of Meppayur Police Station, including all further proceedings arising out of S.T No.20/2013 of the Juvenile Board, Kozhikode pending against the petitioner 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

