

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. 4175 of 2015 ()

SC NO. 244/2013 OF ASST. SESSIONS COURT, KARUNAGAPPALLY

PETITIONERS/ACCUSED 1 TO 6 :

1. LOYD, S/O.LONACHAN,
LOYAL NIVAS HOUSE, PUTHUKKAD MURIYIL,
CHAVARA VILLAGE, KOLLAM DISTRICT-691 585.
2. VIPIN, AGED 25 YEARS,
S/O.SASIDHARAN PILLAI, AKKIREZHATHU VEETIL,
VADAKKUMTHALA EAST MURIYIL, VADAKKUMTHALA VILLAGE,
KOLLAM DISTRICT. 690 536.
3. SAMEER, AGED 20 YEARS,
S/O.ABDUL SAMAD, MOOTHRAL VADAKKETHIL HOUSE,
KULANGARA BHAGOM MURIYIL, CHAVARA VILLAGE,
KOLLAM DISTRICT. 691 583.
4. SOORAJ, AGED 20 YEARS,
S/O.SUDESHAN, SOORYALAYAM, PUTHUKKADU WARD,
CHAVARA VILLAGE, KOLLAM DISTRICT. 691 585.
5. AJEESH KUMAR @ UNNIKUTTAN,
S/O.SASIKUMAR, LAKSHMI VILAS HOUSE [ASWATHIYIL]
KULANGARA BHAGOM MURIYIL, CHAVARA VILLAGE,
KOLLAM DISTRICT.691 583.
6. MOHAMMED SHAFI, AGED 23 YEARS,
S/O.IBRAHIM KUTTY, AMMACHAN KAVU VADAKKETHARAYIL
MUKUNDAPURAM MURIYIL, CHAVARA VILLAGE,
KOLLAM DISTRICT-691 585.

**BY ADVS.SRI.JAI GEORGE
SMT.DAISY A.PHILIPOSE**

RESPONDENTS :

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

- 2. MANOJ, AGED 29 YEARS
S/O.MOHANAN PILLAI, JAYA BHAVANAM, PALACKAL WARD,
THEVALAKKARA VILLAGE, CHAVARA, KOLLAM DISTRICT.**
- 3. ANURAG, AGED 29 YEARS,
S/O.PRABHAKARAN, THAMARAL VEETIL,
VADAKKUMBHAGOM MURIYIL, THEKKUM BHAGOM VILLAGE,
CHAVARA, KOLLAM DISTRICT.**
- 4. SIVAPRASAD, AGED 31 YEARS,S/O.SIVARAJAN,
VALIYAVILAYIL, PUTHEN SANKETHAM MURIYIL,
THEVALAKKARA VILLAGE, KOIVILA.P.O., CHAVARA, KOLLAM.**

**R1 BY PUBLIC PROSECUTOR SRI.N.SURESH
R2 TO R4 BY ADV. SRI.K.T.SHYAMKUMAR**

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

bp

Crl.MC.No. 4175 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

- ANNEXURE A1: COPY OF THE FIRST INFORMATION REPORT IN CRIME
NO.364/2012 DATED 25.3.2012 OF CHAVARA POLICE STATION.**
- ANNEXURE A2: COPY OF THE S.C.NO.244/2013 PENDING BEFORE THE
ASSISTANT SESSIONS COURT, KARUNAGAPPALLY.**
- ANNEXURE A3: THE AFFIDAVIT DATED 1.7.2015 SWORN IN BY THE
RESPONDENTS 2 TO 5.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

ALEXANDER THOMAS, J.

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Crl.M.C No.4175 of 2014

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Dated this the 7th day of July, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.364 of 2012 of Chavara Police Station, registered under Sections 143, 147, 148, 308, 324 r/w 149 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 persons who sustained injuries in the alleged incident are the respondent Nos. 3 and 4. They have also filed affidavit to the effect that they have settled the dispute with the accused and they have 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.364 of 2012 of Chavara Police Station, including all further proceedings arising out of S.C.No. 244/2013 on the file of the Assistant Sessions Court, Karunagappally 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