

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 10TH DAY OF JULY 2015/19TH ASHADHA, 1937

CrI.MC.No. 4221 of 2015 ()

**(CRIME NO. 582/2015 OF KAREELAKULANGARA POLICE STATION BY THE JUDICIAL
FIRST CLASS MAGISTRATE COURT - I , ALAPPUZHADISTRICT)**

PETITIONER(S)/ACCUSED NOS 1 TO 4:

- 1. ANUROOP,
AGED 22 YEARS,
S/O.DHANANJAYAN, PARAYATH HOUSE, MUTTOM P.O.
HARIPPAD.**
- 2. MANU B VARGHESE,
AGED 19 YEARS,
S/O.BINU, MANU VILLA, MUTTOM P.O.
HARIPPAD.**
- 3. SANAL KUMAR,
AGED 24 YEARS,
S/O.MOHANAN, MURIYAMMOOTTILPADIYITHIL, MUTTOM P.O.
HARIPPAD.**
- 4. VISHNUGOPAL,
AGED 22 YEARS,
S/O.VENUGOPAL, VISHNU BHAVANAM,
EVOOR NORTH,
CHOPPAD P.O., HARIPPAD.**

**BY ADVS.SRI.ABDUL JALEEL.A
SMT.M.A.SULFIA**

RESPONDENT(S)/DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, KOCHI-682031.**
- 2. PRAJEESH.K.A.,
AGED 31 YEARS,
S/O.ANTONY, KARICKAL, THIMIRI P.O.
KANNUR DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SRI.N.SURESH
R2 BY ADV. SMT.C.A.SABITHA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 10-07- 2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

vmr.

APPENDIX

PETITIONER(S)' ANNEXURES

ANNEXURE-A1: CERTIFIED COPY OF F.I.R. IN CRIME NO.582/2015 OF KAREELAKULANGARA POLICE STATION ON THE FILES OF LEARNED JUDICIAL FIRST CLASS MAGISTRATE COURT-I, HARIPAD.

ANNEXURE-A2: CERTIFIED COPY OF THE F.I. STATEMENT OF 2ND RESPONDENT IN CRIME NO.582/2015 OF KAREELAKULANGARA POLICE STATION ON THE FILES OF LEARNED JUDICIAL FIRST CLASS MAGISTRATE COURT-I, HARIPAD.

ANNEXURE-A3: TRUE COPY OF THE VISA ISSUED TO 3RD PETITIONER.

ANNEXURE-A4: AFFIDAVIT OF THE PETITIONERS AND 2ND RESPONDENT ATTESTED BY A NOTARY PUBLIC DATED 16.06.2015.

ANNEXURE-A5: AFFIDAVIT SWORN BY THE 2ND RESPONDENT ATTESTED BY A NOTARY PUBLIC DATED 16.06.2015.

RESPONDENT(S)' ANNEXURES : NIL.

/TRUE COPY/

P.S.TO JUDGE

vmr.

ALEXANDER THOMAS, J.

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Crl.M.C.No.4221 of 2015

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Dated this the 10th day of July, 2015

O R D E R

The petitioners are accused numbers 1 to 4 in Crime No.582/2015 of Kareekulangara Police Station, Alappuzha District before the Judicial First Class Magistrate Court-I, Harippad. They seek orders quashing the Annexure A1 F.I.R and further proceedings in Crime No.582/2015 of Kareekulangara Police Station, registered under Sections 394 and 34 of the 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. It is stated that now the entire disputes between the petitioners and the 2nd respondent/de facto complainant have been settled amicably and the 2nd respondent has sworn to Annexure-A5 affidavit before this Court wherein it is stated that he has settled the entire disputes with the petitioners and that he has no objection for quashment of the

impugned criminal proceedings 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. The learned Public Prosecutor, on instructions, submitted that there are no cases pending against the petitioners herein.

3. 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.

4. Accordingly, the impugned F.I.R and further proceedings arising out of crime No.582 of 2015 of Kareekulangara Police Station, on the file of Judicial First Class Magistrate Court-I, Harippad 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/- ALEXANDER THOMAS, JUDGE

MJL