

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS**

**THURSDAY, THE 9TH DAY OF JULY 2015/18TH ASHADHA, 1937**

**Crl.MC.No. 4261 of 2015 ()**

**SC. NO.454/2014 OF DISTRICT & SESSIONS COURT, MANJERI.  
CRIME NO. 143/2013 OF MELATTUR POLICE STATION.**

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**PETITIONERS/ACCUSED:**

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- 1. MUHAMMED FIROZ, AGED 27 YEARS,  
S/O.SAIDALAVI, KARADAN (H), MANNARMALA,  
KARYAVATTOM, PERINTHALMANNA,  
MALAPPURAM DISTRICT.**
- 2. MUNEER, AGED 26 YEARS,  
S/O.ASSAINAR, KARADAN (H), MANNARMALA,  
KARYAVATTOM, PERINTHALMANNA,  
MALAPPURAM DISTRICT.**
- 3. ABDUL MUBARAQUE, AGED 26 YEARS,  
S/O.ABDULLA, KAIPPALLY (H), MANNARMALA,  
KARYAVATTOM, PERINTHALMANNA,  
MALAPPURAM DISTRICT.**
- 4. MUHAMMED SHEREEF, AGED 31 YEARS,  
S/O.ABDURAHMAN, KAIPPALLY (H), MANNARMALA,  
KARYAVATTOM, PERINTHALMANNA,  
MALAPPURAM DISTRICT.**
- 5. MUHAMMED RASHEED, AGED 21 YEARS,  
S/O.YOOSAF, KARADAN (H), MANNARMALA,  
KARYAVATTOM, PERINTHALMANNA,  
MALAPPURAM DISTRICT.**
- 6. MUHAMMED NIYAS, AGED 24 YEARS,  
S/O.ABDUL NASAR, ARABI (H), MANNARMALA,  
KARYAVATTOM, PERINTHALMANNA,  
MALAPPURAM DISTRICT.**
- 7. MUHAMMED MANSOOR, AGED 25 YEARS,  
S/O.KOYA, ARABI (H), MANNARMALA,  
KARYAVATTOM, PERINTHALMANNA,  
MALAPPURAM DISTRICT.**

**BY ADV. SRI.C.M.KAMMAPPU.**

**RESPONDENTS/STATE/DEFACTO COMPLAINANTS/INJURED:**

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- 1. STATE OF KERALA,  
REP. BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM-682 031.  
(THROUGH STATION HOUSE OFFICER,  
MELATTUR POLICE STATION, MALAPPURAM DISTRICT).**
- 2. ASHIQUE, AGED 31 YEARS,  
S/O.SAIDAALI, VAISYAR (H), PACHEERI SCHOOLPPADY,  
KARYAVATTOM, PERINTHALMANNA, MALAPPURAM DISTRICT.**
- 3. RIYAS, AGED 31 YEARS,  
S/O.MUHAMMED, ARABI (H), PACHEERI SCHOOLPPADY,  
KARYAVATTOM, PERINTHALMANNA, MALAPPURAM DISTRICT.**
- 4. JAFFER, AGED 32 YEARS,  
S/O.USMAN, MATTUMBATHODI (H), PACHEERI SCHOOLPPADY,  
KARYAVATTOM, PERINTHALMANNA, MALAPPURAM DISTRICT.**
- 5. SHIBU, AGED 27 YEARS,  
S/O.CHAAMI, OTTAKALLUTHODI (H), PACHEERI SCHOOLPPADY,  
KARYAVATTOM, PERINTHALMANNA, MALAPPURAM DISTRICT.**
- 6. SAJEEV, AGED 40 YEARS,  
S/O.GOVINDAN, YOGATH (H), PACHEERI SCHOOLPPADY,  
KARYAVATTOM, PERINTHALMANNA, MALAPPURAM DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SRI.N. SURESH.  
R2 TO R6 BY ADV. SRI.B.JAYASURYA.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 09-07-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**rs.**

**Crl.MC.No. 4261 of 2015**

**APPENDIX**

**PETITIONER'S ANNEXURES:-**

**ANNEXURE A            CERTIFIED COPY OF THE FINAL REPORT IN  
CRIME NO.143/2013 OF MELATTUR POLICE STATION.**

**RESPONDENT'S ANNEXURES:-    NIL.**

**//TRUE COPY//**

**P.S. TO JUDGE**

**rs.**

ALEXANDER THOMAS, J.

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Crl.M.C.No. 4261 of 2015

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Dated this the 9<sup>th</sup> day of July, 2015

ORDER

The petitioners herein are the accused in the impugned Anx.A final report/charge sheet filed in Crime No.143/2013 of Melattur Police Station, registered for offences punishable under Secs.143, 147, 148, 324, 308 r/w Sec.149 of the I.P.C., at the instance of the 2<sup>nd</sup> respondent defacto complainant, which has led to the institution of Sessions Case, S.C.No.454/2014 on the file of the Sessions Court, Manjeri. It is stated that now the entire disputes between the petitioners on the one hand and respondents 2 to 6 on the other have been settled amicably and that respondents 2 to 6 have sworn to separate affidavits before this Court, wherein it is stated that they have settled the entire disputes with the petitioners and that they have no objection for quashment of the impugned criminal proceedings pending 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. 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 final report/charge sheet filed in Crime No.143/2013 of Melattur Police Station, which has led to the institution of Sessions Case, S.C.No.454/2014 on the file of the Sessions Court, Manjeri, and all further proceedings arising therefrom pending against the petitioners herein stand quashed.

With these observations and directions this Crl.M.C. stands finally disposed of.

Sd/- ALEXANDER THOMAS, JUDGE

MJL

Cr1.M.C.4261/15

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