

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

CrI.MC.No. 4274 of 2015 ()

**CP 88/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT, PERAMBRA
CRIME NO. 556/2014 OF PERAMBRA POLICE STATION, KOZHIKODE**

PETITIONERS/ACCUSED :

1. **RAISS, AGED 21 YEARS,
S/O.BASHEER, KORAVAN THALAKKAL HOUSE, MENJANIAM,
(PO)MARUTHERI, KOYILANDY, KOZHIKODE(DIST.).**
2. **JAISAL.K.T, AGED 22 YEARS,
S/O.KALANTHAN, KUNNOTH THAZHE HOUSE, MENJANIAM
(PO), MARUTHERI, KOYILANDY, KOZHIKODE(DIST.).**
3. **JAMSHEED.K.T, AGED 23 YEARS,
S/O.KALANTHAN, KUNNOTH THAZHE HOUSE,
MENJANIAM (PO), MARUTHERI, KOYILANDY,
KOZHIKODE(DIST.).**
4. **JALEEL.T, AGED 28 YEARS,
S/O.KUNHAMMAD, THACHAROTH HOUSE, MENJANIAM,
(P.O.)MARUTHERI, KOYILANDY, KOZHIKODE(DIST.).**

BY ADV. SMT.K.DEEPA (PAYYANUR)

RESPONDENTS :

1. **STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM**
2. **ABDUL SALAM, 39 YEARS, S/O. PAKROOTTY,
VADAKKE KADUVANJERY HOUSE, MENJANIAM, P.O., MARUTHERI,
KOYILANDY, KOZHIKODE (DISTRICT)**

**R1 BY PUBLIC PROSECUTOR SRI. GITHESH R
R2 BY ADV. SMT.CELINE JOSEPH**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 21-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Crl.MC.No. 4274 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE-I: CERTIFIED COPY OF THE FIR OF CRIME NO.556/2014 OF THE PERAMBRA POLICE STATION,KOZHIKODE.

ANNEXURE-II: CERTIFIED COPY OF THE FINAL REPORT OF CRIME NO.556/2014 OF THE PERAMBRA POLICE STATION,KOZHIKODE.

ANNEXURE-III: TRUE COPY OF THE AGREEMENT ENTERED INTO BETWEEN THE 2ND RESPONDENT AND THE PETITIONERS.

ANNEXURE-IV: AFFIDAVIT FILED BY THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P. A. TO JUDGE

bP

ALEXANDER THOMAS, J.
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Crl.M.C No.4274 of 2015
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Dated this the 21st day of July, 2015
O R D E R

The petitioners seek orders for quashing the F.I.R and further proceedings in Crime No. 556/2014 of Perambra Police Station, registered under Sections 452, 323, 324, 326, 308 r/w 34 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 and they have no objection for quashment of the impugned criminal proceedings pending against the petitioners.

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.556/2014 of Perambra Police Station, including all further proceedings arising out of C.P No.88/2014 on the file of the Judicial First Class Magistrate Court, Perambra 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

