

**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**

**Crl.MC.No. 4283 of 2015 ()**

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**CC. NO.329/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, PAYYANNUR.**  
**CRIME NO. 1221/2013 OF PAYYANNUR POLICE STATION.**

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**PETITIONERS/ACCUSED:**

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- 1. VAISAKH, AGED 27 YEARS,  
S/O.P.V. NARAYANAN, MATTOOL HOUSE,  
NAREEKKANVALLI, CHERUTHAZHAM AMSOM,  
KADANNAPPALLI, KANNUR DISTRICT.**
- 2. ABHILASH P., AGED 24 YEARS,  
S/O.ACHUTHAN, RESIDING AT 'GOVINDAM', EZHILODE,  
CHERUTHAZHAM AMSOM, KANNUR DISTRICT.**

**BY ADVS.SRI.O.V.MANIPRASAD,  
SRI.JOSE ANTONY.**

**RESPONDENTS/STATE/DEFACTO COMPLAINANT:**

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- 1. STATE OF KERALA,  
(SUB INSPECTOR OF POLICE,  
PAYYANNUR POLICE STATION, CRIME NO.1221/2013),  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. LIBIN GEORGE, AGED 20 YEARS,  
S/O.GEORGE PETER, ORAPPANIYAL HOUSE,  
PERINTHATTA AMSOM DESOM, P.O. ARAVANCHAL,  
KANNUR DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SRI.N. SURESH.  
R2 BY ADV. SRI.SAJU J PANICKER.**

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

**rs.**

**APPENDIX**

**PETITIONER'S ANNEXURES:-**

**ANNEXURE-A1: TRUE COPY OF THE FIR AND F.I. STATEMENT IN  
CRIME NO.1221/2013 OF PAYYANNUR POLICE STATION.**

**ANNEXURE-A2: TRUE CERTIFIED COPY OF THE CHARGE SHEET  
DATED 25.12.2013 IN CRIME NO.1221/2013 OF  
PAYYANNUR POLICE STATION.**

**ANNEXURE-A3: THE AFFIDAVIT SWORN TO BY THE 2ND RESPONDENT.**

**RESPONDENT'S ANNEXURES:- NIL.**

**//TRUE COPY//**

**P.S. TO JUDGE**

**rs.**

ALEXANDER THOMAS, J.

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Dated this the 10<sup>th</sup> day of July, 2015.

ORDER

The petitioners are accused in Anx-A2 final report/charge sheet in Crime No.1221/2013 of Payyannur Police Station registered for offences alleged under Secs.341, 323, 325 r/w 149 IPC, which is now pending as C.C.No.329/2014 on the file of the Judicial First Class Magistrate Court, Payyannur. The prosecution allegation is that the accused attacked the defacto complainant and caused grievous injuries to him. It is submitted that the matter has been settled between the parties and that the 2<sup>nd</sup> respondent (defacto complainant) has sworn to Anx-A3 affidavit wherein he has stated that he has no objection in the quashment of the impugned criminal proceedings pending against the petitioners. It is in the light of these aspects that the petitioners have filed this Crl.M.C seeking the prayer for quashment of the impugned criminal proceedings.

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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.

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3. Accordingly, it is ordered in the interest of justice that Anx-A2 final report/charge sheet filed in Crime No.1221/2013 of Payyannur Police Station, which is now pending as C.C.No.329/2014 on the file of the Judicial First Class Magistrate Court, Payyannur and all further proceedings arising therefrom pending against the petitioners herein stand quashed under Sec.482 of the Code of Criminal Procedure.

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

ALEXANDER THOMAS,  
Judge.

bkn/-