

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. 4294 of 2015 ()

CC. NO.1153/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
CHERTHALA.
CRIME NO. 1015/2013 OF CHERTHALA POLICE STATION, ALAPPUZHA DISTRICT.

.....

PETITIONER/ACCUSED:

RAJU K.T., AGED 39 YEARS,
S/O.TANKAPPAN, KARUVELLI HOUSE, S.N. PURAM. P.O.,
CHERTHALA-688 582, ALAPPUZHA DISTRICT.

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

RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,**
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682 031.
- 2. MANOJ, AGED 31 YEARS, S/O.MANIYAN,**
THOTTUNGAL HOUSE, MUHAMMA. P.O.,
THANNEERMUKKAM NORTH VILLAGE,
CHERTHALA.

R1 BY PUBLIC PROSECUTOR SRI.GITHESH. R.
R2 BY ADV. SRI.M.J.PAVU.

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 | COPY OF THE CHARGE SHEET IN CRIME NO.1015/2013 OF THE CHERTHALA POLICE STATION. |
| ANNEXURE-A2 | TRUE COPY OF THE WRITTEN CONSENT GIVEN BY THE 2ND RESPONDENT. |
| ANNEXURE-A3 | TRUE COPY OF THE PETITION FOR PERMISSION FILED BEFORE THE JFCM-I CHERTHALA. |
| ANNEXURE-A4 | TRUE COPY OF THE PETITION FOR WITHDRAWAL FILED BEFORE THE JFCM-I CHERTHALA. |
| ANNEXURE-A5 | TRUE COPY OF THE AFFIDAVIT FILED BEFORE THE JFCM-I,CHERTHALA. |
| ANNEXURE-A6 | AFFIDAVIT SWORN 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 10th day of July, 2015.

ORDER

The petitioner is the sole accused in Anx-A1 final report/charge sheet in Crime No.1015/2013 of Cherthala Police Station registered for offences alleged under Secs.406 & 420 of the IPC, which is now pending as C.C.No.1153/2013 on the file of the Judicial First Class Magistrate Court-I, Cherthala. It is submitted that the matter has been settled between the parties and that the 2nd respondent (defacto complainant) has sworn to Anx-A6 affidavit wherein he has stated that he has no objection in the quashment of the impugned criminal proceedings pending against the petitioner. It is in the light of these aspects that the petitioner has filed this Crl.M.C seeking the prayer for quashment of the impugned criminal proceedings.

2. In a catena of decisions, the Apex Court has held that, in appropriate cases involving even non-compoundable offences,

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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.

3. Accordingly, it is ordered in the interest of justice that

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Anx-A1 final report/charge sheet filed in Crime No.1015/2013 of Cherthala Police Station, which is now pending as C.C.No.1153/2013 on the file of the Judicial First Class Magistrate Court-I, Cherthala and all further proceedings arising therefrom pending against the petitioner herein stand quashed under Sec.482 of the Code of Criminal Procedure.

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

ALEXANDER THOMAS,
Judge.

Bkn/-

“C.C No.1153/2013” occurring in the 4th line at page 1 and in the 2nd line at page 3 of the final order dated 10/07/2015 in CrI.M.C 4249/2015 is corrected and substituted as “C.C No.1453/013” as per order dated 01/12/2015 in CrI.M.A.10880/2015 in CrI.M.C 4294/2015.

sd/-
Registrar (Judicial)