

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE SUNIL THOMAS

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

Crl.MC.No.4295 of 2015

SC NO.612/2012 of DISTRICT AND SESSIONS COURT,PATHANAMTHITTA.

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PETITIONER'S/ACCUSED 1 TO 6:

1. SHIJU,S/O.MOHANAN,
PANTHAPPATTU AMBILIMALIL HOUSE,NIRANAM.
2. SALIM,S/O.HASSAN,KANNAMKOTTU HOUSE,NIRANAM.
3. RIJO,S/O.JOY,KATTUVETIL HOUSE,NIRANAM.
4. VINISH,S/O.VIJAYAN,MULAMOOTTIL HOUSE,NIRANAM.
5. RATHEESH,S/O.RAVI,MULAMOOTTIL HOUSE,NIRANAM.
6. MANCHESH,S/O.MAHESHAN,
KUNNAMPALLY PARAMBIL HOUSE,THALAVADY.

**BY ADVS.SRI.T.P.PRADEEP
SRI.P.K.SATHEESH KUMAR**

RESPONDENT'S/STATE/CW1 TO 4:

1. STATE OF KERALA,REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.
2. RANJITH RAJAN,S/O.RAJAPPAN,
PALLYARATHALAM HOUSE,ALAMTHURUTHY,
VALANJAVATTAM MURI,KADAPRA VILLAGE,
THIRUVALLA TALUK-689 101.
3. VINOD CHANDRAN,S/O.CHANDRAN,
ARAYATHPARAMBIL,VALANJAVATTAM MURI,
KADAPRA VILLAGE,THIRUVALLA TALUK-689 101.
4. SUMESH,S/O.SUKUMARAN,MALIPPURATHU HOUSE,
PADINJATUM MURI,NIRANAM VILLAGE,THIRUVALLA TALUK-689 101.
5. ABHILASH,S/O.NARAYANAN,PALLIYARATH HOUSE,
ALAMTHURUTHY,VALANJAVATTAM MURI,
KADAPRA VILLAGE,THIRUVALLA TALUK,PIN-689 101.

**R1 BY PUBLIC PROSECUTOR SMT.MANJULA.
R2-R5 BY ADV.SRI.UNNI.K.K. (EZHUMATTOOR)**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 13-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Crl.MC.No.4295 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A- CERTIFIED COPY FO THE CHARGE SHEET IN SC NO.612/12.

ANNEXURE B- TRUE COPY OF THE AFFIDAVIT OF THE 2ND RESPONDENT.

ANNEXURE C- TRUE COPY OF THE AFFIDAVIT OF THE 3RD RESPONDENT.

ANNEXURE D- TRUE COPY OF THE AFFIDAVIT OF THE 4TH RESPONDENT.

ANNEXURE E- TRUE COPY OF THE AFFIDAVIT OF THE 5TH RESPONDNET

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

ALEXANDER THOMAS, J.

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Crl.M.C.No.4295 of 2015

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Dated this the 13th day of July , 2015

O R D E R

The petitioners are accused Nos. 1 to 6 in the impugned Annexure A final report/charge sheet filed in Crime No.63/2009 of Pulikeezhu Police Station which has led to the pendency of S.C.No.612/2012 on the file of the District & Sessions Court, Pathanamthitta. They seek orders quashing the final report and further proceedings in Crime No.63/2009 of Pulikeezhu Police Station, registered under sections 143, 144, 147, 148, 149, 323, 324 and 308 of the IPC. Orders are sought on the ground of amicable settlement of the whole dispute between the petitioners/accused and the respondents 2 to 5 out of court. The de facto complainant/ 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. He has filed Annexure B affidavit to the effect that he has settled the whole dispute with the accused and he has no grievance or complaint. The other persons who sustained injuries in the alleged incident are the respondents 3 to 5. They have also filed Annexures C, D and E affidavits to the effect that they have settled the dispute with the accused and they have no grievance or complaint now. 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 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.

3. Accordingly, the impugned final report and further proceedings arising out of crime No.63 of 2009 of Pulikeezhu Police Station, including all further proceedings arising out of S.C.No. 612 of 2012 on the file of District and Sessions Court, Pathanamthitta 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