

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

Crl.MC.No. 3230 of 2014 ()

SC 230/2012 of FAST TRACK COURT(ADHOC 2), THRISSUR

PETITIONER/ACCUSED :

**MOHAMMAD YUSUF @ RAMSHI, AGED 30 YEARS,
S/O. C.V. ABDUL RASHEED, CHULLIYIL HOUSE, MUTHUVAMMAL,
NEAR PUTHENPALLI, KUNNAMKULAM, THRISSUR DISTRICT.**

BY ADV. SRI.K.B.GANGESH

RESPONDENTS/STATE & DEFACTO COMPLAINANT :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**
- 2. SYED MOHAMMED, AGED 70 YEARS,
S/O. MOIDEEN, PANIKAVEETIL HOUSE,
CHIYYARAM VILLAGE, KURIACHIRA, THRISSUR.**

**R1 BY PUBLIC PROSECUTOR SRI. RAJESH VIJAYAN
R2 BY ADV. SRI.P.SANTHOSH (PODUVAL)**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 19-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

Crl.MC.No. 3230 of 2014 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANX.A1: FIR IN CRIME NO. 254/2011 OF NEDUPUZHA POLICE STATION.

**ANX.A2: COPY OF THE FINAL REPORT IN CRIME NO. 254/2011 OF NEDUPUZHA
POLICE STATION.**

ANX.A3: AFFIDAVIT DATED 31-5-2014 EXECUTED BY THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

ALEXANDER THOMAS, J.

Crl.M.C.No.3230 Of 2014

Dated this the 19th day of August, 2015.

ORDER

The petitioner is the sole accused in S.C.No.230/2012 on the file of the Fast Track Court No.II, Thrissur, which arises from Anx-A2 final report/charge sheet filed in Crime No.254/2011 of Nedupuzha Police Station, registered for offences alleged under Secs.452, 326 & 307 of the IPC. The case was registered on the allegation that the accused trespassed into the house of the defacto complainant (2nd respondent) and inflicted grievous hurt on him. Now, it is submitted that the matter has been settled between the petitioner and the 2nd respondent (defacto complainant) and that the 2nd respondent has sworn to Anx-A3 affidavit stating that the matter has been settled and that he has no objection in quashing 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.

Crl.M.C.No.3230 Of 2014

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.

Crl.M.C.No.3230 Of 2014

3. Accordingly, it is ordered in the interest of justice that the impugned Anx-A2 final report/charge sheet filed in Crime No.254/2011 of Nedupuzha Police Station, which is now pending as S.C.No.230/2012 on the file of the Fast Track Court No.II, Thrissur, 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 Crl.M.C stands finally disposed of.

ALEXANDER THOMAS,
Judge.

bkn/-