

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS**

**THURSDAY, THE 9TH DAY OF JULY 2015/18TH ASHADHA, 1937**

**Crl.MC.No. 3271 of 2014**  
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**CP 180/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KASARAGOD  
CRIME NO. 99/2011 OF MANJESWAR POLICE STATION, KASARGOD**  
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**PETITIONER(S)/ACCUSED:**  
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1. MUHAMMED ANSAR, AGED 30,  
S/O.ABDUL KAREEM, ANSAR MANZIL,  
NEAR UPPALA RAILWAY STATION, UPPALA VILLAGE,  
KASARAGOD DISTRICT.
2. MUHAMMED ASIF, AGED 29 YEARS,  
S/O.RAFEEQ AHAMMED, RAFEEQ MOIDEEN COTTAGE,  
BAPPAITHOTTI, UPPALA VILLAGE, KASARAGOD DISTRICT.
3. SHAIK MUHAMMED THAISEEM, AGED 25 YEARS,  
S/O.SADDIK HUSSAIN, SHIBAS QUARTERS, HIDAYATH BAZAR,  
UPPALA VILLAGE, KASARAGOD DISTRICT.

**BY ADV. SMT.R.PADMAKUMARI**

**RESPONDENT(S)/STATE AND COMPLAINANT:**  
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1. STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM.
2. SUB INSPECTOR OF POLICE,  
MANJESHWARAM POLICE STATION, MANJESHWARAM, KASARAGOD.
3. RAZAK, AGED 35 YEARS,  
S/O.AHAMMED KUNJI, RAVALIGE, SHANTHI NAGAR,  
VORKADY VILLAGE, KASARAGOD.

**R1 & R2 BY PUBLIC PROSECUTOR SRI.GITHESH R.  
R3 BY ADV. SMT.K.DEEPA (PAYYANUR)      CRMC 4784    2015**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON  
09-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 3271 of 2014  
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**APPENDIX**

**PETITIONER(S)' ANNEXURES:**

**ANNEXURE A1: CERTIFIED COPY OF THE FIR IN CRIME NO.99/2011 OF  
MANJESHWARAM POLICE STATION.**

**ANNEXURE A2: THE CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.99/2011  
OF MANJESHWARAM POLICE STATION BEFORE JFCM,KASARAGOD.**

**ANNEXURE A3: ORIGINAL OF THE MEMORANDUM OF COMPROMISE ENTERED INTO  
BETWEEN THE ACCUSED AND DEFACTO COMPLAINANT**

**RESPONDENT(S)' ANNEXURES:**

**NIL**

**//TRUE COPY//**

**P.S.TO JUDGE.**

Msv/

ALEXANDER THOMAS, J.

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Crl.M.C.No. 3271 of 2014

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Dated this the 9<sup>th</sup> day of July 2015

ORDER

The petitioners herein are the accused in the impugned Anx.A-2 final report/charge sheet filed in Anx.A-1 Crime No.99/2011 of Manjeshwaram Police Station, registered for offences punishable under Secs.341, 324, 308, 506(ii), 153(A) read with Sec.34 of the I.P.C., at the instance of the 3<sup>rd</sup> respondent defacto complainant, which has led to the institution of C.P.No.180/2013 on the file of the Judicial First Class Magistrate's Court, Kasargod. It is stated that now the entire disputes between the petitioners and the 3<sup>rd</sup> respondent defacto complainant have been settled amicably and that the 3<sup>rd</sup> respondent has sworn to affidavit dated 16.6.2014 before this Court, wherein it is stated that he has settled the entire disputes with the petitioners and that he has no objection for quashment of the impugned criminal proceedings pending against the petitioners herein. 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 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. Accordingly, it is ordered in the interest of justice that the impugned

Anx.A-2 final report/charge sheet filed in Anx.A-1 Crime No.99/2011 of Manjeshwaram Police Station, which has led to the institution of C.P.No.180/2013 on the file of the Judicial First Class Magistrate's Court, Kasargod, and all further proceedings arising therefrom pending against the petitioners herein stand quashed.

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

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Sd/-  
ALEXANDER THOMAS, JUDGE

///True copy///

P.S. to Judge