

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

Crl.MC.No. 4464 of 2015 ()

**CC. NO.639/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-III, THRISSUR.
CRIME NO. 328/2013 OF PEECHI POLICE STATION, THRISSUR**

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PETITIONERS/ACCUSED 1 TO 4:

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1. SAJI, AGED 41 YEARS,
S/O.GOPI, KULUKKATTUKUDI HOUSE,
KANNARA P.O., PEECHI, THRISSUR DISTRICT.
 2. SURESH, AGED 43 YEARS,
S/O.GOPI, KULUKKATTUKUDI HOUSE,
KANNARA P.O., PEECHI, THRISSUR DISTRICT.
 3. BINOY @ UNNI, AGED 48 YEARS
S/O.SUNNY, MATTATHIL VEEDU,
PAZHAYANNUR, THRISSUR DISTRICT.
 4. SURESH, AGED 23 YEARS,
S/O.KUTTAPPAN, VADAKEMURI VEEDU,
KANNARA P.O., PEECHI, THRISSUR DISTRICT.

BY ADVS.SRI.M.R.DHANIL,
SRI.M.H.HANIL KUMAR.

RESPONDENTS/COMPLAINANT/STATE:

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1. ABEESH, S/O.GOPI, AGED 32 YEARS,
PULIKUZHIVEETIL, MAINAR ROAD,
NADATHARA VILLAGE, THRISSUR DISTRICT - 680 307.
 2. SUB INSPECTOR OF POLICE,
PEECHI POLICE STATION, THRISSUR DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, COCHIN -682 031.
 3. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, COCHIN - 682 031.

R1 BY ADV. SRI.SURAJ.S
R2 & R3 BY PUBLIC PROSECUTOR SRI.GITHESH. R.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 22-07-2015, ALONG WITH CRL.MC. NO.4469 OF 2015, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- ANNEXURE-A:** CERTIFIED COPY OF THE FIR IN CR.NO.328/2013 ON THE FILES OF PEECHI POLICE STATION.
- ANNEXURE-B:** CERTIFIED COPY OF THE CHARGE SHEET IN C.C. 639/2013 ON THE FILES OF JFCM-III COURT, THRISSUR.
- ANNEXURE-C:** THE ORIGINAL AFFIDAVIT SWORN BY THE 1ST RESPONDENT/ ABEESH DATED 18.06.2015.

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

ALEXANDER THOMAS, J.

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Crl.M.C.Nos.4464 & 4469 of 2015

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Dated this the 22nd day of July, 2015
ORDER

Petitioners in Crl.M.C.4464/2015 are accused in Annexure-A Crime No.328/2013 of Peechi Police Station, Thrissur District registered for offences under Secs. 341, 294(b), 506(ii), 308 read with Sec. 34 of the IPC. The Police after investigation submitted the impugned Anx.-B Final Report/Charge Sheet in the above crime, whereby the offence under Sec. 308 was deleted and the offences now charged are those under Secs.341, 294(b), 506(ii), 324, read with Section 34 of the IPC., which has led to the institution of Calendar Case C.C.No.639/2013 on the file of Judicial First Class Magistrate Court -III, Thrissur. In Crl.M.C.4469/2015 the petitioner is the accused in Crime No.329/2013 of Peechi Police Station, Thrissur District registered for offences under Secs. 341 and 326 of the IPC. The police after investigation submitted the impugned Anx.-B Final Report/Charge Sheet whereby the offence under Sec. 326 has been deleted and the offence now charged are those under Secs. 325, 341, 294(b) of the IPC., which has led to the institution

of Calendar Case C.C.No.565/2013 on the file of Judicial First Class Magistrate Court-III, Thrissur. It is pointed out that Crime No.329/2013 (pertaining to Criminal M.C.No. 4469/2015) is said to be the counter case in relation to Crime No.328/2013 (which is pertaining to Criminal M.C.No.4464/2015). In this Crl.M.C. also petitioner/accused and the contesting respondent/de facto complainant have settled the disputes and the contesting respondent No.2/ de facto complainant have sworn to Annexre-C affidavit stating that the entire disputes have been settled and that he has no objection for quashing the impugned criminal proceedings.

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:-

- (i) In Crl.M.C.No.4464/2015 the impugned Anx.B final report/charge sheet filed in Crime No.328/2013 of Peechi Police Station, Thrissur district, which has led to to the institution of C.C.No.639/2013 on the file of the Judicial First Class Magistrate's Court-III, Thrissur, and all further proceedings arising therefrom pending against the petitioners therein stand quashed.
- (ii) In Crl.M.C.No.4469/2015 the impugned Anx.B final report/charge sheet filed in Crime No.329/2013 of Peechi Police Station, Thrissur district, which has led to to the institution of C.C.No.565/2013 on the file of the Judicial First Class Magistrate's Court-III, Thrissur district, and all further proceedings arising therefrom pending against the petitioners therein stand quashed.

With these observations and directions these Criminal Miscellaneous Cases stand finally disposed of.

sd/+
ALEXANDER THOMAS, JUDGE

///True copy///

P.S. to Judge

Cr1.M.C.4465/15 & C.C.

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