

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 17TH DAY OF JULY 2015/26TH ASHADHA, 1937

Crl.MC.No. 4471 of 2015 ()

**SC.NO. 533/2010 OF DISTRICT & SESSIONS COURT, PATHANAMTHITTA
CRIME NO. 1011/2009 OF THIRUVALLA POLICE STATION,PATHANAMTHITTA DISTRICT**

PETITIONER(S)/ACCUSED 1&2:

- 1. ABRAHAM.T. LATHARA,
S/O.GEE VARGHESE THOMAS,
LATHARA HOUSE, MUTHOOR MURI,
KUTTAPPUZHA.**
- 2. SHAJAN MANI, S/O.P.M.MANI,
KEEZHAMALIL HOUSE, PARAMPUZHA,
PERUMPAYIKKADU VILLAGE,
KOTTAYAM.**

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

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**
- 2. ASHOKKUMAR,S/O.ACHUTHAN,
POOPPANKALAYIL HOUSE, ILAVUMTHITTA MURI,
MEZHUVELI VILLAGE, KOZHANCHERRY TALUK,PIN- 689 654.**

**R1 BY PUBLIC PROSECUTOR SRI.N.SURESH
R2 BY ADV.SRI.K.K.UNNI**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 17-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.MC.No. 4471 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX-A: CERTIFIED COPY OF THE CHARGE SHEET IN S.C.NO.533/2010 ON THE
FILE OF THE DISTRICT & SESSIONS COURT, PATHANAMTHITTA.**

ANNEX-B: TRUE COPY OF THE AFFIDAVIT OF THE 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURES: **NIL**

/TRUE COPY/

P.A.TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C.No.4471 of 2015

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Dated this the 17th day of July, 2015

O R D E R

The petitioners are accused Nos. 1 and 2 in the impugned Annexure A final report/charge sheet filed in Crime No.1011 of 2009 of Thiruvalla Police Station which has led to the pendency of S.C.No.533/2010 on the file of District and Sessions Court, Pathanamthitta. They seek orders quashing the final report and further proceedings in Crime No.1011 of 2009 of Thiruvalla Police Station, registered under Sections 3(1) (x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the de facto complainant 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. 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. Heard learned Public Prosecutor appearing for the

respondent State of Kerala and Sri.K.K.Unni learned counsel appearing for the contesting respondent No.2.

3. 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.

4. Accordingly, the impugned final report and further proceedings arising out of crime No.1011 of 2009 of Thiruvalla Police Station, including all further proceedings arising out of S.C.No. 533 of 2010 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