

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

CrI.MC.No. 4479 of 2015 ()

**CC.NO. 801/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT -IV,KOZHIKODE
CRIME NO. 140/2012 OF VELLAYIL POLICE STATION , KOZHIKODE DISTRICT**

PETITIONER/ACCUSED:

**SHAJAN.P.A., AGED 32 YEARS, S/O.AUGUSTINE,
PANAKKAL HOUSE, SHANTHI NAGAR COLONY,
WEST HILL P.O, KOZHIKODE.**

BY ADV. SRI.P.SAMSUDIN

RESPONDENT/STATE AND COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM -682 031
(IN CRIME NO.140/2012 OF VELLAYIL POLICE STATION).**
- 2. ARJUN, AGED 31 YEARS,
S/O.HARIDASAN, KARANGATT HOUSE, WEST HILL -673 010,
KONNAD AMSOM VELLAYIL, KONNAD, KOZHIKODE TALUK.**

**R1 BY PUBLIC PROSECUTOR SRI.N.SURESH
R2 BY ADV. SRI.K.C.ANTONY MATHEW**

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

sts

Crl.MC.No. 4479 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX A1:- CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.140/2012 OF
VELLIYIL POLICE STATION**

**ANNEX A2:- THE ORIGINAL OF THE AFFIDAVIT SWORN IN BY THE 2ND
RESPONDENT DTD 15/7/2015**

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

/TRUE COPY/

P.A.TO JUDGE

sts

ALEXANDER THOMAS, J.

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Crl.M.C.No.4479 of 2015

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Dated this the 17th day of July, 2015

O R D E R

The petitioner is the accused in Annexure A1 Final Report / Charge Sheet filed in Crime No.140/2012 of Vellayil Police Station registered for offences punishable under Sections 324 and 506(1) of IPC which has led to the institution of C.C.No.801/2012 on the file of Judicial First Class Magistrate Court-IV, Kozhikkode. 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 A2 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 petitioner has preferred the instant Crl.M.C.with the prayer to quash the impugned criminal proceedings against him.

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.140/2012 of Vellayil Police Station, including all further proceedings arising out of C.C.No. 801/2012 on the file of Judicial First Class Magistrate Court-IV,

Kozhikkode pending against the petitioner 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