

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. 4487 of 2015 ()

**SC. NO.332/2015 OF PRINCIPAL ASSISTANT SESSIONS COURT, KOZHIKODE.
CRIME NO. 656/2014 OF KUTTIADI POLICE STATION, KOZHIKODE DISTRICT.**

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PETITIONERS/ACCUSED IN CRIME NO. 656/2014:

- 1. ASLAM, AGED 26 YEARS,
S/O. POKKER, PATINJARAYIL, VATAKARA,
KOZHIKODE DISTRICT.**
- 2. MUHAMMED, AGED 22 YEARS,
S/O. BIYYATHU, 1/114 (16/403), PATINJARAYIL KAKKUNI,
VELAM PANCHAYAT, VATAKARA,
KOZHIKODE DISTRICT - 673 507.**
- 3. MUHAMMED SALI, AGED 20 YEARS,
S/O. POKKER, 276(331), ONGARA KAKKUNI,
VELAM PANCHAYAT, VATAKARA,
KOZHIKODE DISTRICT - 673 507.**
- 4. AMEER O.K., AGED 20 YEARS,
S/O. HAMEED, 1/278, ONGARAKUNI,
VELAM PANCHAYAT, VATAKARA,
KOZHIKODE DISTRICT - 673 507.**
- 5. MUHAMMED MANSOOR, AGED 20 YEARS,
S/O. IBRAHIM, 1/117(495), ANANGOT KOYILOTH KAKKUNI,
VELAM PANACHAYAT, VATAKARA,
KOZHIKODE DISTRICT - 673 507.**
- 6. JUBAIR E.P., AGED 21 YEARS,
S/O. POOKOYA THANGAL, 233A, ETAPEEDIKAYIL,
KAKKUNI VELAM PANCHAYAT, VATAKARA,
KOZHIKODE DISTRICT - 673 507.**
- 7. RAMSHID A.K., AGED 20 YEARS, S/O. MAMI,
1/117(495), THAZHE ANAKKAT KOYILOTH KAKKUNI,
VELAM PANCHAYAT, VATAKARA,
KOZHIKODE DISTRICT - 673 507.**

BY ADV. SRI.C.R.SIVAKUMAR.

RESPONDENTS/COMPLAINANT:

- 1. THE STATE OF KERALA,
REP. BY THE SUB INSPECTOR OF POLICE,
KUTIADI POLICE STATION, KOZHIKODE DISTRICT,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. ABDU RAHIMAN, AGED 44 YEARS,
S/O. SOOPPY, 205-A, HARITHA MAHAL,
VELAM PANCHAYAT, VATAKARA,
KOZHIKODE DISTRICT - 673 507.**

**R1 BY PUBLIC PROSECUTOR SRI.N. SURESH.
R2 BY ADV. SMT.P.SREELAKSHMI.**

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

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- A1 - THE TRUE COPY OF THE FIRST INFORMATION REPORT IN
CRIME NO. 656/2014 DATED 11.08.2014.**
- A2 - THE TRUE COPY OF THE RELEVANT PART OF THE CHARGE IN
CRIME NO. 656/2014 DATED 31.08.2014.**
- A3 - THE TRUE COPY OF THE AFFIDAVIT OF THE 2ND RESPONDENT
DATED 21.06.2015.**

RESPONDENT'S ANNEXURES:- **NIL.**

//TRUE COPY//

P.A. TO JUDGE

rs.

ALEXANDER THOMAS, J.

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Crl.M.C.No.4487 of 2015

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Dated this the 17th day of July, 2015

ORDER

The petitioners seek orders quashing Annexure-2 charge sheet in Annexure-1 Crime No.656/2014 of the Kuttiady Police Station, registered under Sections 143, 147, 148, 341, 323, 324, 308 read with Section 149 of the IPC which has led to the institution of S.C.No.332/2015 on the file of the Principal Assistant Sessions Court, Kozhikode. 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 is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. He has filed Annexure-3 affidavit to the effect that he has settled the whole dispute with the accused and he has no grievance or complaint.

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.

Accordingly, the impugned Annexure-2 Charge Sheet and further proceedings arising out of crime No.656/2014 of the Kuttiadi Police Station, including all further proceedings arising out of S.C.No. 332/2015 on the file of the Principal Assistant Sessions Court, Kozhikode 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