

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

CrI.MC.No. 4502 of 2015 ()

**CRIME NO. 276/2015 OF POZHIOOR POLICE STATION ,
THIRUVANANTHAPURAM DISTRICT**

PETITIONER/ACCUSED:

**SHIBU.M, S/O.MARIYA DASAN, AGED 31 YEARS,
CHELANTHIVILAGAM HOUSE, PARUTHIOOR,
POZHIOOR.P.O., KULATHUR VILLAGE,
THIRUVANANTHAPURAM-695 583.**

BY ADV. SRI.R.V.SREEJITH

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT & INJURED WITNESS.:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT BUILDINGS, ERNAKULAM, KOCHI-31.**
- 2. SATHARKUNJU,
D/O.MUHAMMED HUSSAIN, AGED 34 YEARS,
KINNAKUZHI HOUSE, POOVAR VILLAGE,
THIRUVANANTHAPURAM DISTRICT-695 525.**
- 3. VIJAYAKUMAR,
KRISHNAVILASAM, ARUMANOOR, NEYYATTINKARA,
THIRUVANANTHAPURAM-695 121.**

**R1 BY PUBLIC PROSECUTOR SRI.GITHESH.R.
R2 & R3 BY ADV. SRI.JELSON J.EDAMPADAM**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 21-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEX I- CERTIFIED COPY OF THE FIR NO.276/2015 OF POZHIOOR POLICE STATION DATED 3.5.2015.
- ANNEX II- ORIGINAL COPY OF THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT DATED 2.7.2015 BEFORE THE NOTARY EVIDENCING THE SETTLEMENT BETWEEN HIM AND THE PETITIONER.
- ANNEX III- ORIGINAL COPY OF THE AFFIDAVIT SWORN BY THE 3RD RESPONDENT DATED 2.7.2015 BEFORE THE NOTARY EVIDENCING THE SETTLEMENT BETWEEN HIM AND THE PETITIONER.
- ANNEX IV- TRUE COPY OF THE CASH RECEIPT ISSUED BY THE OFFICE OF K.S.R.T.C, POOVAR STATION.
- ANNEX V- TRUE COPY OF THE AGREEMENT ENTERED INTO BETWEEN THE CONTROLLING INSPECTOR OF K.S.R.T.C, POOVAR DEPOT WITH THE OWNER OF THE CAR EVIDENCING THE RECEIPT OF RS.1 LAKH AS PER ANNEXURE IV AND ANOTHER RS.50,000/- FOR THE TREATMENT OF THE EMPLOYEES.
- ANNEX VI- TRUE COPY OF THE STATEMENT GIVEN BY ONE C.RAVEENDRAN, INSPECTOR OF POOVAR DEPOT, K.S.R.T.C EVIDENCING THAT HE IS WITHDRAWING THE COMPLAINT GIVEN TO THE POLICE AS A MATTER WAS SETTLED AMICABLY ON THE BASIS OF A DISCUSSION BETWEEN K.S.R.T.C, AUTHORITIES, TRADE UNIONS, OWNER OF THE CAR AND THE CONCERNED DRIVER AND CONDUCTOR.
- ANNEX VII- TRUE COPY OF THE STATEMENT GIVEN BY THE RESPONDENTS 2 AND 3.

RESPONDENT(S)' ANNEXURES:

NIL

/TRUE COPY/

P.A.TO JUDGE

ALEXANDER THOMAS, J.

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Crl.M.C No.4502 of 2015

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Dated this the 21st day of July, 2015

ORDER

The petitioner is an accused in Crime No.276/15 of Pozhiyoor Police Station, registered for the offence under Sections 341, 332 r/w 34 of IPC. The gist of the allegation against the accused is that on 3.5.2015, he had blocked the K.S.R.T.C Bus in which the 3rd respondent was the driver, man handled him and the de facto complainant, who was the conductor (R2 herein) in the bus and had thus committed the offences. The de facto complainant and the other injured have filed affidavit to the effect that they have settled the whole dispute with the accused and they have no grievance or complaint and they have no objection for quashment of the impugned criminal proceedings pending against the petitioner as per Anx.II and III. Anx.V is the copy of the agreement entered into between the Controlling Inspector of the K.S.R.T.C, Poovar Depot with the owner of the Car given by the petitioner, evidencing that the K.S.R.T.C had received an amount of Rs.1 lakh as per Anx.IV

receipt and another Rs.50,000/- for the treatment of the employees on account of the incidents in question. Anx. VI is the copy of the statement given by the Inspector of Poovar Depot, K.S.R.T.C evidencing that he is withdrawing the complaint given to the Police as a matter was settled amicably on the basis of a discussion between K.S.R.T.C Authorities, Trade Unions, owner of the Car and the concerned Driver and Conductor. Anx.VII is copy of the statement given by the respondents 2 and 3 evidencing the above said settlement. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the de facto complainant out of court.

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 F.I.R and further proceedings arising out of Crime No.276/15 of Pozhiyoor Police Station, including all further proceedings before the Judicial First Class Magistrate Court-II, Neyyattinkara 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/-

sab

ALEXANDER THOMAS, JUDGE

