

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. 4505 of 2015

CRIME NO. 275/2015 OF ALATHUR POLICE STATION , PALAKKAD

PETITIONER(S)/ACCUSED NOS. 1 AND 2:

1. RAMESH, AGED 27 YEARS,
S/O. RADHAKRISHNN, PEECAMKODE, KADAMBIDI,
PADOOR, ALATHUR, PALAKKAD.
2. SANEESH, AGED 28 YEARS,
S/O. CHELLAPPAN, KUNNUMPURAM, PEECHAMKODE,
KADAMBIDI, PADOOR, ALATHUR,
PALAKKAD.

BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENT(S)/DEFACTO COMPLAINANT/CWS. 2 AND STATE:

1. RAJESH, AGED 26 YEARS,
S/O. RADHAKRISHNAN, SUNDARI NIVAS, PADOOR,
ALATHUR, PALAKKAD - 678 641.
2. SUDHEESH, AGED 31 YEARS,
S/O. NAPPAN, PADINJARE VEEDU, THEKKETHARA
PADOOR, ALATHUR, PALAKKAD - 678 541.
3. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.

R1,2 BY ADV. SRI.P.M.RAFIQ
R3 BY PUBLIC PROSECUTOR SRI.SURESH.N.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 17-07-2015, ALONG WITH CRL.MC.NO.4517/2015, THE COURT ON THE
SAME DAY PASSED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' ANNEXURES

- A - THE CERTIFIED COPY OF THE F.I.R IN CRIME NO. 275/2015 OF ALATHUR POLICE STATION, PALAKKAD DISTRICT ALONG WITH A REPORT SUBMITTED BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE, ALATHUR.**
- B - THE AFFIDAVIT SWORN BY THE 1ST RESPONDENT HEREIN EVIDENCING THE AFORESAID SETTLEMENT.**
- C - THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT HEREIN EVIDENCING THE AFORESAID SETTLEMENT.**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.

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Crl.M.C.Nos.4505 & 4517 of 2015

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Dated this the 17th day of July, 2015
O R D E R

The petitioners in Crl.M.C.No.4505/2015 are accused Nos.1 and 2 in the impugned Anx.A FIR in Crime No.275/2015 of Alathur Police Station, registered for offences punishable under Secs.341, 323, 324, 427, 308 read with Sec.34 I.P.C., at the instance of the 1st respondent therein, who is the 2nd petitioner in Crl.M.C.No.4517/2015. The petitioners in Crl.M.C.No.4517/2015 are accused Nos.1 and 2 in Anx.A FIR in Crime No.274/2012 of the Alathur Police Station, registered for offences punishable under Secs.143, 147, 148, 341, 324, 308 read with Sec.149 of the I.P.C, at the instance of the 1st respondent therein. Originally there were five accused in Crime No. 274/2015 and four accused in Crime No.275/2015. Later, on enquiry by the Police, three accused were deleted from the accused array in Crime No. 274/2015 and two accused were deleted from the accused array in Crime No. 275/2015. It is averred that the incidents, which led to the registration of the aforestated crimes, were in connection with the destruction of flex boards erected by

one political party, by the members of the rival political party due to political enmity. It is submitted by both sides that the above referred cases are case and counter case. It is stated that now the entire disputes between the contesting respondents in these Crl.M.Cs. have been settled amicably and that affidavits of the respective parties have also been filed in these cases to the effect that they have no objection for quashment of the impugned criminal proceedings pending against their opposite parties in the aforesaid crimes. It is in the light of these aspects that the petitioners have preferred the instant Criminal Miscellaneous Cases with the prayer to quash the impugned criminal proceedings against them.

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.4505/2015 the impugned Anx.A FIR in Crime No. 275/2015 of Alathur Police Station and all further proceedings arising therefrom pending against the petitioners therein stand quashed.
- (ii) In Crl.M.C.No.4517/2015 the impugned Anx.A FIR in Crime No. 274/2015 of Alathur Police Station 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.

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge

Cr1.M.C.4505/15 & cc

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