

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

Crl.MC.No. 4565 of 2015

**CP 22/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, VADAKKANCHERRY
CRIME NO. 129/2015 OF CHELAKKARA POLICE STATION , TRISSUR**

PETITIONERS/ACCUSED 1 AND 2:

1. RAGESH T.G., AGED 26 YEARS,
S/O. GANGADHARAN, THENDANKAVIL HOUSE,
ANTHIMAHAKALANKAVU, CHELAKKARA, THRISSUR DISTRICT.
2. RANJITH, AGED 25 YEARS,
S/O JANARDHANANA, VELUTHEDATH HOUSE,
ANTHIMAHAKALANKAVU, CHELAKKARA, THRISSUR DISTRICT.

BY ADV. SRI.BINOY VASUDEVAN

/RESPONDENTS/STATE/COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.
2. THE SUB INSPECTOR OF POLICE,
CHELAKKARA POLICE STATION, CHELAKKARA P.O.,
THRISSUR DISTRICT-680 005.
3. RAMESH, AGED 26 YEARS,
S/O. AYYAPPAN, NELLIKUNNU COLONY, PANGARAPILLY
CHELAKKARA, THRISSUR DISTRICT-680 005.
4. RATHEESH, AGED 34 YEARS,
S/O. KUMARAN, KANJIRATHINGAL HOUSE, PANGARAPILLY WEST,
CHELAKKARA, THRISSUR DISTRICT-680 005.

**R1 & 2 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN
R3,4 BY ADV. SMT.P.G.BABITHA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 21-07-2015, ALONG WITH CRL.MC.NO.4580/2015, THE COURT ON THE
SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE A: TRUE COPY OF THE FIR IN CRIME NO.129/2015 OF CHELAKKARA
POLICE STATION, THRISSUR DISTRICT.**

**ANNEXURE B: TRUE COPY OF THE FINAL REPORT IN C.P.NO.22/2015 ON THE FILE OF
THE JUDICIAL FIRST CLASS MAGISTRATE COURT, WADAKKANCHERY.**

ANNEXURE C: AFFIDAVIT PREFERRED BY THE THIRD RESPONDENT.

ANNEXURE D: AFFIDAVIT PREFERRED BY THE FOURTH RESPONDENT.

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.

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Dated this the 21st day of July, 2015.

ORDER

The petitioners in Crl.M.C.No.4565/2015 are the accused in Anx-B final report in Crime No.129/2015 of Chelakkara Police Station registered for offences alleged under Secs.341, 323, 324 & 308 r/w 34 of the IPC, which is now pending as C.P.No.22/2015 on the file of the Judicial First Class Magistrate Court, Wadakkanchery, and the petitioners in Crl.M.C.No.4580/2015 are the accused in Anx-A F.I.R in Crime No.130/2015 of Chelakkara Police Station registered for offences alleged under Secs.341 & 323 of the IPC. It is submitted that the both cases were initiated in connection with Sivarathri festival in a local temple and that both cases were registered on the same day as case and counter case. It is submitted that the matter has been settled between the parties due to intervention of the well wishers and that the respective defacto complainants have sworn to affidavits wherein they have stated that they have no objection in the quashment of the impugned criminal proceedings pending against the respective petitioners. It is in the light of these aspects that the petitioners have

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filed these Crl.M.Cs seeking the prayer for quashment of the impugned criminal proceedings.

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.

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3. Accordingly, it is ordered in Crl.M.C.No.4565/2015 that impugned Anx-B final report in Crime No.129/2015 of Chelakkara Police Station, which is now pending as C.P.No.22/2015 on the file of the Judicial First Class Magistrate Court, Wadakkancherry and all further proceedings arising therefrom pending against the petitioners therein stand quashed under Sec.482 of the Code of Criminal Procedure. It is also ordered in Crl.M.C.No.4580/2015 that the impugned Anx-A F.I.R in Crime No.130/2015 of Chelakkara Police Station and all further proceedings arising therefrom pending against the petitioners therein stand quashed under Sec.482 of the Code of Criminal Procedure.

With these observations and directions, these Crl.M.Cs stand finally disposed of.

ALEXANDER THOMAS,
Judge.

bkn/-