

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. 4575 of 2015 ()

CRIME NO. 645/2015 OF MANCHERRY POLICE STATION , MALAPPURAM DISTRICT

PETITIONER(S)/ACCUSED :

1. MAYIN,
MOORKAN VEEDU, POOKKOTTUR P.O,
MALAPPURAM DISTRICT.
2. AYAMU,MOORKAN VEEDU,
POOKKOTTUR P.O, MALAPPURAM DISTRICT.
3. UMMER, MOORKAN VEEDU,
POOKKOTTUR P.O, MALAPPURAM DISTRICT.

BY ADV. SRI.K.RAKESH

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI -682 031
FOR THE SUB INSPECTOR OF POLICE,
MANJERI POLICE STATION, MALAPPURAM DISTRICT.
2. USMAN,S/O.MUHAMMED,
MOORKAN VEEDU, POOKKOTTUR P.O.,
MALAPPURAM DISTRICT, PIN -676 517

R1 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN
R2 BY ADV. SRI.R.RANJITH

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 21-07-2015,ALONG WITH CRL.MC.NO.4576 OF 2015, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 4575 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX A:- TRUE COPY OF THE FIR IN CRIME NO.645/2015 OF MANCHERRY
POLICE STATION, DTD 9/4/2015**

**ANNEX B:- TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE 2ND RESPONDENT
DTD 18/7/2015**

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

/TRUE COPY/

P.A.TO JUDGE

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ALEXANDER THOMAS, J.

Crl.M.C.Nos.4575 & 4576 Of 2015

Dated this the 21st day of July, 2015.

ORDER

The petitioners in Crl.M.C.No.4575/2015 are the accused in Anx-A F.I.R in Crime No.645/2015 of Mancherry Police Station registered for offences alleged under Secs.341, 452, 323, 324, 506 r/w 34 of the IPC and the petitioner in Crl.M.C.No.4576/2015 is the sole accused in Anx-A F.I.R in Crime No.631/2015 of Mancherry Police Station registered for offences alleged under Sec.324 of the IPC. It is submitted that the petitioners and the defacto complainant in Crl.M.C.No.4575/2015 are brothers. The defacto complainant in Crl.M.C.No.4575/2015 is the accused in Crl.M.C.No.4576/2015 and the 2nd petitioner in Crl.M.C.No.4575/2015 is the defacto complainant in Crl.M.C.No.4576/2015. On a trivial reason they attacked each other 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 and the brothers are living cordially and that the respective defacto complainant have sworn to Anx-B affidavits (in both cases) wherein they have stated that they have no objection in the quashment of the

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impugned criminal proceedings pending against the respective petitioners. It is in the light of these aspects that the petitioners have 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

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paragraph 29 thereof, could be applied in this case to consider the prayer for quashment.

3. Accordingly, it is ordered in Crl.M.C.No.4575/2015 that impugned Anx-A F.I.R in Crime No.645/2015 of Mancherry Police Station 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.4576/2015 that the impugned Anx-A F.I.R in Crime No.631/2015 of Mancherry Police Station and all further proceedings arising therefrom pending against the petitioner 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/-