

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

Crl.MC.No. 4587 of 2015 ()

C.C. NO.167/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT- II, MAVELIKKARA.
CRIME NO. 5/2014 OF NOORNADU POLICE STATION, ALAPPUZHA DISTRICT.

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PETITIONER/ACCUSED 1 TO 4:

1. DIVAKARAN, AGED 48 YEARS, S/O.DEVAN,
LENIN BHAVANAM, ERUMAKUZH MURI,
PALAMEL, NOORNADU, ALAPPUZHA.
2. ROHINI, AGED 43 YEARS,
W/O.DIVAKARAN, -DO-.
3. C.T. RAJAN, AGED 54 YEARS, S/O.DEVAN,
REKHALAYAM VEEDU, ERUMAKUZH MURI,
PALAMEL, NOORNADU, ALAPPUZHA.
4. RATHEESH, AGED 30 YEARS, S/O.RAJAN,
REKHALAYAM VEEDU, ERUMAKUZH MURI,
PALAMEL, NOORNADU, ALAPPUZHA.

BY ADVS.SRI.R.SUNIL KUMAR,
SMT.A.SALINI LAL.

RESPONDENT/COMPLAINANT/CW-1, 2, 3:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. RAJAN, AGED 38 YEARS,
S/O.KRISHNA KURUP, PUTHEN KALEECKAL,
ERUMAKUZH MURI, PALAMEL NOORNADU,
ALAPPUZHA- 688 001.
3. THULASIDHARAN PILLAI, AGED 47 YEARS,
S/O.BHARGHAVAN PILLAI, THARAYIL PUTHEN VEETIL,
ERUMAKUZH MURI, PALAMEL VILLAGE, PIN-690 515.
4. SHIBU, AGED 38 YEARS,
S/O.SUDHAKARAN, INDIRA BHAVAN, ERUMAKUZH MURI,
PALAMEL MURI, NOORNADU, PIN-690 504.

R1 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN.
R2 TO R4 BY ADV. SMT.T.M.BINITHA.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 22-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

ANNEXURE 1. COPY OF THE FINAL REPORT.

ANNEXURE 2. COPY OF THE AFFIDAVIT FILED BY THE 2ND, 3RD
AND 4TH RESPONDENT.

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

ALEXANDER THOMAS, J.

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Crl.M.C No.4587 of 2015

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Dated this the 22nd day of July, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.5/2014 of Noornadu Police Station, registered under Sections 324, 294(b), 323, 427 r/w 34 of IPC. 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 affidavit to the effect that he has settled the whole dispute with the accused and he has no grievance or complaint. The other persons who sustained injuries in the alleged incident are the respondent Nos.3 and 4. They have also filed affidavit to the effect that they have settled the dispute with the accused and they have no grievance or complaint now.

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.5/2014 of Noornadu Police Station, including all further proceedings arising out of C.C.No.167/2014 on the file of the Judicial First Class Magistrate Court-II, Mavelikkara

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/-

sab

ALEXANDER THOMAS, JUDGE