

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

Crl.MC.No. 4593 of 2015 ()

**IN SC 528/2013 of THE PRINCIPAL SESSIONS COURT, THRISSUR
CRIME NO. 1549/2012 OF CHAVAKKAD POLICE STATION , THRISSUR**

PETITIONER(S)/PETITIONER/ACCUSED:

**SHAFI, AGED 30 YEARS
S/O UMMER, NALAKATHU VEEDU, AKALADU DESOM
PUNNAYOOR VILLAGE, CHAVAKKAD TALUK, THRISSUR DISTRICT.**

BY ADV. SRI.SHAJIN S.HAMEED

RESPONDENT(S)/RESPONDEJNTS/STATE, CW1 AND CW2:

- 1. STATE OF KERALA
REPRESENTED THROUGH THE INSPECTOR OF POLICE
CHAVAKKAD CIRCLE, THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. FARSANA, AGED 19 YEARS
D/O SHARAFUDHEEN, KERANTAKATH, ANATHALAMUKKU
THIRUVATHRA DESOM, MANATHALA VILLAGE, CHAVAKKAD
THRISSUR, PIN:680506.**
- 3. ANEESHA , AGED 18 YEARS
D/O HAMSU, THONDANPIRI HOUSE, EAST OF FORT
THIRUVATHRA DESOM, MANATHALA VILLAGE, CHAVAKKAD
THRISSUR, PIN:680506.**

**R1 BY ADV. PUBLIC PROSECUTOR ADV.GITHESH.R
R2-3 BY ADV. SRI.HRITHWIK**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
29-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 4593 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

- ANNEXURE A :** **PHOTOCOPY OF THE FIR IN CRIME NO:1549/2012 OF CHAVAKKAD POLICE STATION.**
- ANNEXURE B :** **CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.1549/2012 OF CHAVAKKAD POLICE STATION.**
- ANNEXURE C :** **AFFIDAVIT OF THE 2ND RESPONDENT/CW1 STATING SETTLEMENT OF DISPUTE.**
- ANNEXURE D :** **AFFIDAVIT OF THE 3RD RESPONDENT/CW2 STATING SETTLEMENT OF DISPUTE.**

RESPONDENT(S)' EXHIBITS

NIL

/TRUE COPY/

PA TO JUDGE

VS

ALEXANDER THOMAS, J.

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Crl.M.C.No.4593 of 2015

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Dated this the 29th day of July, 2015

ORDER

The petitioner seeks orders to quash the final report and further proceedings in Crime No1549/2012 of Chavakkad Police Station, registered under Sections 307, 324, 326 & 427 of Indian Penal Code. 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. She has filed affidavit to the effect that she has settled the whole dispute with the accused and she has no grievance or complaint. The person who sustained injuries in the alleged incident is the 3rd respondent. She has also filed an affidavit to the effect that she has settled the dispute with the accused and she has 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 final report and further proceedings arising out of crime No.1549/2012 of Chavakkad Police Station, including all further proceedings arising out of S.C.No.528/2013 on the file of Principal Sessions Court, Thrissur,

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/-
ALEXANDER THOMAS
JUDGE

VS