

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

CrI.MC.No. 4603 of 2015 ()

**CC.NO. 923/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-IV, KOZHIKODE
CRIME NO. 653/2014 OF NADAKKAVU POLICE STATION**

PETITIONER/ACCUSED :

**SUMESH
S/O. SURENDRAN, AGED 28 YEARS
MANNANGATTU THAZHAM HOUSE
THADAMBATTU THAZHAM, VENGARI P.O.,
KOZHIKODE.**

**BY ADVS.SMT.S.SIMY
SRI.S.KANNAN**

RESPONDENTS/STATE /COMPLAINATS :

- 1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA , ERNAKULAM-682 031.**
- 2. THE SUB INSPECTOR OF POLICE
NADAKKAVU POLICE STATION, KOZHIKODE - 673 008.**
- 3. SWAYAM PRAKASH
S/O. KUMARAN, AGED 44 YEARS
THIRUTHIVAYAL HOUSE, KARAPARAMBA P.O.,
O.P. RAMAN ROAD, KOZHIKODE - 673 002.**

**R1 & R2 BY PUBLIC PROSECUTOR SRI. DHANESH MATHEW MANJOORAN
R3 BY ADVS. SMT.M.SHAJNA
SRI.K.M.FIROZ**

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

Mn

Crl.MC.No. 4603 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE A1: TRUE COPY OF THE REPORT DT. 2/8/14 FILED BY THE SUB
INSPECTOR OF POLICE, NADAKKAVU POLICE STATION
BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE-IV,
KOZHIKODE.**

ANNEXURE A2: AFFIDAVIT SWORN BY 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

ALEXANDER THOMAS, J.

=====

Crl.M.C No.4603 of 2015

=====

Dated this the 22nd day of July, 2015

ORDER

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.653/2014 of Nadakkavu Police Station, registered under Sections 447, 341 and 326 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 3rd 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 and he has no objection for quashment of the impugned criminal proceedings pending against the petitioner.

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.653/2014 of Nadakkavu Police Station,, including all further proceedings arising out of C.C.No.923/2014 on the file of the Judicial First Class Magistrate Court-IV, Kozhikode

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/-

sab

ALEXANDER THOMAS, JUDGE