

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. 4609 of 2015

**SC 363/2013 OF SUB COURT, KOTTARAKKARA.
CRIME NO. 500/2012 OF PUNALUR POLICE STATION, KOLLAM.**
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PETITIONERS/ACCUSED 1 TO 3:

1. RAJAN, AGED 47, S/O. NANU,
EDAKKUNNIL VEEDU, KALLADAMUKKU,
NARIKKAL P.O., PUNALUR.
2. BIJU, AGED 42, S/O. NANU,
EDAKKUNNIL VEEDU, KALLADAMUKKU,
NARIKKAL P.O., PUNALUR.
3. BINU, AGED 39, S/O. NANU,
EDAKKUNNIL VEEDU, KALLADAMUKKU
NARIKKAL P.O., PUNALUR.

BY ADV. SRI.AJAYA KUMAR. G

RESPONDENT/STATE:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. PADMAVATHI AMMA, AGED 45,
W/O. LATE GOPI, PRAGISH BHAVAN,
NARIKKAL P.O., PUNALUR.
3. DEEPU, AGED 26, S/O. SUKUMARAN NAIR,
KADAMPATTU KONAM, MALAYAMADAM,
KILIMANOOR.

**R1 BY PUBLIC PROSECUTOR SRI.GITHESH.R
R2 & R3 BY ADV. SRI.M.R.SARIN**

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

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APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEXURE A1- TRUE COPY OF THE FINAL REPORT IN CRIME NO. 500/12 OF
PUNALUR POLICE STATION, KOLLAM.**
- ANNEXURE A2- TRUE COPY OF THE DEATH CERTIFICATE OF CW1.**
- ANNEXURE A3- AFFIDAVIT SWORN BY THE 2ND RESPONDENT.**
- ANNEXURE A4- AFFIDAVIT SWORN BY THE 3RD RESPONDENT.**

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

ALEXANDER THOMAS, J.

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Crl.M.C No.4609 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.500/2012 of Punalur Police Station, registered under Sections 447, 294(b), 324, 308 r/w 34 of IPC. The learned counsel for the petitioners submitted that the injured Gopinatha Pillai (de facto complainant) passed away. The accused and the de facto complainant were neighbours and there were some disputes between the petitioner and the complainant over use of a way. Now the disputes between the parties have been amicably settled between the wife and the son-in-law of the deceased de facto complainant (injured). They are the respondent Nos. 2 and 3 in this proceeding. They have filed affidavit to the effect that they have settled the whole dispute with the accused and they have no grievance or complaint and they have no objection for quashment of the impugned criminal proceedings pending against the petitioners.

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.500/2012 of Punalur Police Station,

including all further proceedings arising out of S.C.No. 363/2013 before the Assistant Sessions Judge, Kottarakkara, Kollam 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