

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 24TH DAY OF JULY 2015/2ND SRAVANA, 1937

Crl.MC.No. 4675 of 2015 ()

CRIME NO. 718/2014 OF NEMOM POLICE STATION, THIRUVANANTHAPURAM.

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PETITIONERS/ACCUSED NO. 1 TO 4:

1. SREEKUMAR @ PATHUPANNIKKAR,
S/O KRISHNANKUTTY, AGED 42, KARAKATTUVILA VEEDU,
NEAR KSEB OFFICE, KALLIYUR, PALLICHAL POST, 695 020, (A1)
2. RISHIKESH @ RISHI, S/O VELUYUDHA PANNIKKAR,
AGED 47, KOLLAM VILA KONAM VEEDU,
BEHIND KSEB OFFICE, CHANNELKARA,
KALLIYUR, PALLICHAL POST, 695 020, (A2).
3. SHYAM, S/O LAWRENCE, AGED 27,
VATTAVILA VEEDU, KUZHIYAMVILA,
PUNNAMOODU, PALLICHAL POST, 695 020 (A3).
4. SUDHEESH @ KOTTAPAK SUDHEESH, S/O SOMAN,
AGED 32, APPATTUVILA VEEDU, NEAR PUNNAMOODU JUNCTION,
PALLICHAL POST, 695 020, (A4).

BY ADV. SRI.SASTHAMANGALAM S. AJITHKUMAR.

RESPONDENTS/COMPLAINANT:

1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
THROUGH SUB INSPECTOR OF POLICE, NEMOM,
THIRUVANANTHAPURAM-695 001.
2. VENUGOPAL, S/O APPUKUTTAN NAIR,
AGED 53 YEARS, MANALIKKARA PUTHEN VEEDU,
BEHIND GOVT. HIGH SCHOOL, PUNNAMOODU,
KALLIYUR VILLAGE, PALLICHAL POST,
THIRUVANANTHAPURAM-695 020. (DEFACTO COMPLAINANT).

R1 BY PUBLIC PROSECUTOR SRI.T.P.SAJID.

R2 BY ADV. SRI.T.K.BABU.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 24-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

**ANNEXURE A : CERTIFIED COPY OF THE F.I.R. IN CRIME NO.718/14 OF NEMOM
POLICE STATION, THIRUVANANTHAPURAM.**

ANNEXURE B: COMPROMISE AFFIDAVIT OF 2ND RESPONDENT.

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs. S

ALEXANDER THOMAS, J.

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Crl.M.C.No. 4675 of 2015

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Dated this the 24th day of July, 2015

O R D E R

The petitioners herein are accused Nos.1 to 4 in the impugned Anx.A FIR in Crime No.718/2014 of Nemom Police Station, registered for offences punishable under Secs.143, 147, 148, 149, 324, 323 and 427 of the I.P.C., at the instance of the 2nd respondent. It is stated that now the entire disputes between the petitioners and the 2nd respondent defacto complainant have been settled amicably and that the 2nd respondent has sworn to Anx.B affidavit before this Court, wherein it is stated that he has settled the entire disputes with the petitioners and that he has no objection for quashment of the impugned criminal proceedings pending against the petitioners herein. It is in the light of these aspects that the petitioners have preferred the instant Crl.M.C. with the prayer to quash the impugned criminal proceedings against them.

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 paragraph 29 thereof, could be applied in this case to consider the prayer for quashment. Accordingly, it is ordered in the interest of justice that the impugned Anx.A FIR in Crime No.718/2014 of Nemom Police Station and all further proceedings arising therefrom pending against the petitioners herein stand quashed.

With these observations and directions this Crl.M.C. stands finally disposed of.

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge

