

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. 4676 of 2015 ()

CRIME NO. 0237/2015 OF EDACHERRY POLICE STATION , KOZHIKODE DISTRICT

PETITIONERS/ACCUSED 1 AND 2:

- 1. IRSHAD, AGED 28 YEARS, S/O MOOSA,
THAIKANDY HOUSE, KARIYOD AMSOM.**
- 2. SIDHIK, AGED 32 YEARS,S/O MOOSA,
THAIKANDY HOUSE, KARIYOD AMSOM.**

BY ADV. SRI.P.M.HABEEB

RESPONDENTS/DE-FACTO COMPLAINANT:

- 1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM (CRIME NO.0237 OF EDACHERRY POLICE STATION,
KOZHIKODE RURAL).**
- 2. KASIM, AGED 38 YEARS, S/O KUNAMMED,
VETTIKKAL PAALERI CHEETHAL HOUSE,
ONCHIYAM, NALACHERI, KOZHIKODE DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SRI.T.P.SAJID
R2 BY ADV. SMT.MARY RANZOM LOUIZ**

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

sts

Crl.MC.No. 4676 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEX A: TRUE COPY OF THE FIRST INFORMATION REPORT.

RESPONDENT(S)' ANNEXURES: **NIL**

/TRUE COPY/

P.S.TO JUDGE

sts

ALEXANDER THOMAS, J.

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Crl.M.C.No. 4676 of 2015

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Dated this the 24th day of July, 2015

O R D E R

The petitioners herein are the accused in the impugned Anx.A FIR in Crime No.0237/2015 of Edacherry Police Station, registered for offences punishable under Secs.323, 452, 326, 308 and 341 read with Sec.34 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 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.0237/2015 of Edacherry 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.

sd/+

///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE
P.S. to Judge

