

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. 4687 of 2015

CC 520/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - II, HOSDURG

CRIME NO. 950/2012 OF NILESWAR POLICE STATION, KASARGOD
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PETITIONER(S)/ACCUSED 1 TO 2:

- 1. MUHAMMED RAFEEQ, AGED 31 YEARS,
S/O ABDUL SATHAR, KARAYIL HOUSE, THAIKKADAPPURAM,
NILESWARAM VILLAGE , KASARAGOD DISTRICT.**
- 2. ASKSAR A.M., AGED 24 YEARS,
S/O ABDUL RAHIMAN, NEAR G.L.P. SCHOOL, THAIKKADAPPURAM,
NILESWARAM VILLAGE, KASARAGOD DISTRICT.**

**BY ADVS.SRI.RAHUL SASI
SMT.NEETHU PREM**

RESPONDENT(S)/COMPLAINANTS:

- 1. STATE OF KERALA,
REPRESENTED BY PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. E.K. MOHMMED SADIQ HAJI, AGED 39 YEARS,
S/O L.B. AMU HAJI, RESIDING AT KHADEEJA MANZIL,
ANACHAL, KOTTAPPURAM, NILESWARAM VILLAGE,
KASARAGOD DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SRI.T.P.SAJID
R2 BY ADV. SRI.NIRMAL V NAIR**

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

msv/

Crl.MC.No. 4687 of 2015

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A: TRUE COPY OF THE FINAL REPORT IN CRIME NO 950/12 OF
NILESWARAM POLICE STATION**

ANNEXURE B:AFFIDAVIT DT. 14/7/15 SUBMITTED BY THE 2ND RESPONDENT

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

ALEXANDER THOMAS, J.

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Crl.M.C.No. 4687 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-1 final report/charge sheet filed in Crime No.950/2012 of Nileswaram Police Station, registered for offences punishable under Secs.341, 323, 324, 294 read with Sec.34 of the I.P.C., at the instance of the 2nd respondent, which has led to the institution of Calendar Case, C.C.No.520/2013 on the file of the Judicial First Class Magistrate's Court-II, Hosdurg. 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.A-2 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-1 final report/charge sheet filed in Crime No.950/2012 of Nileswaram Police Station, which has led to the institution of Calendar Case, C.C.No.520/2013 on the file of the Judicial First Class Magistrate's Court-II, Hosdurg, 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