

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 28TH DAY OF JULY 2015/6TH SRAVANA, 1937

Crl.MC.No. 4735 of 2015 ()

**CC.NO. 244/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, MAVELIKKARA
CRIME NO. 287/2014 OF MAVELIKKARA POLICE STATION, ALAPPUZHA**

PETITIONERS/ACCUSED 1 TO 4 :

- 1. SIBI
AGED 29 YEARS, S/O.THOMAS,
THATTUPURACKAL, ARUNOOTTIMANGALAM
VETTIYAR, ALAPPUZHA.**
- 2. ABEY THOMAS
AGED 28 YEARS, S/O.THOMAS,
ABEY VILLAGE, ERAVUNKARA MURI
THAZHAKKARA.**
- 3. BIPIN VARGHESE
AGED 25 YEARS, S/O.K.T.VARGHESE,
PUKAPPALLIL PUTHEN VEEDU
ARUNOOTTIMANGALAM, VETTIYAR.**
- 4. VIPIN @ KARNAN
AGED 27 YEARS, S/O.SUKUMARA PILLAI,
KOCHANTTEAYYATHU, ARUNOOTTIMANGALAM,
VETTIYAR, ALAPPUZHA.**

**BY ADVS.SRI.R.SUNIL KUMAR
SMT.A.SALINILAL**

RESPONDENT/COMPLAINANT :

- 1. STATE OF KERALA
REP. BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-688 001.**
- 2. RAJEEV,
AGED 30 YEARS, S/O.RAGHAVAN,
CHIRAYIL VEETIL, ARUNOOTTIMANGALAM
VETTIYAR, ALAPPUZHA-688 001.**

**R1 BY PUBLIC PROSECUTOR SRI. DHANESH MATHEW MANJOORAN
R2 BY ADV. SMT.T.M.BINITHA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 28-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 4735 of 2015 ()

APPENDIX

PETITIONERS' EXHIBITS :

ANNEXURE- A1: COPY OF THE FINAL REPORT.

ANNEXURE-A2: AFFIDAVIT FILED BY THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C.No.4735 of 2015
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Dated this the 8th day of July , 2015

O R D E R

The petitioner herein is the accused in the impugned Anx.A1 final report/charge sheet filed in Crime No.287/14 of Mavelikkara Police Station, registered under Secs.323, 324, 294(b), 34 of the IPC, which has led to the institution of Calender Case, C.C.No.244/15 on the file of the Judicial First Class Magistrate Court-I, Mavelikkara. It is stated that now the entire disputes between the petitioners and 2nd respondent de facto complainant have been settled amicably and that the 2nd respondent has sworn to Anx.A2 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. It is in the light of these aspects that the petitioners has preferred the instant Crl.M.C. with the prayer to quash the impugned criminal proceedings against him.

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, it is ordered in the interest of justice that the impugned Anx.A1 final report/charge sheet filed in crime No.287/14 of Mavelikkara Police Station, which has led to the institution of Calender Case, C.C.No. 244/2015 of the Judicial First Class Magistrate Court-I, Mavelikkara and all further proceedings arising therefrom pending against the petitioners stand quashed.

The Crl.M.C. is disposed of as above.

Sd/-
ALEXANDER THOMAS, JUDGE