

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 11TH DAY OF JUNE 2015/21ST JYAISHTA, 1937

Crl.MC.No. 3547 of 2014

C.C.NO.2833/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,KASARAGOD

CRIME NO. 48/2013 OF BADIADKA POLICE STATION , KASARGOD DISTRICT

PETITIONER(S)/ACCUSED :

1. P.D.ABDUL RAHIMAN,
S/O.MUHAMMED HAJEE, R/AT D.K.MANZIL,
ARATTUKADAVU NEKRAJE VILLAGE, KASARAGOD DISTRICT.
2. MUHAMMED ISAHAC, S/O.ISMAIL,
R/AT D.K.MANZIL, ARATTUKADAVU, NEKRAJE VILLAGE,
KASARAGOD DISTRICT.

BY ADV. SRI.AJEESH S.BRITE

RESPONDENT(S)/COMPLAINANT :

1. STATE OF KERALA,
THROUGH THE STATION HOUSE OFFICER, BADIADKA POLICE STATION,
REP.BY ITS PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM- 682 031.
2. ABDULLA KUNHI N.S.,
S/O.KUNHAMU, R/AT ARATTUKADAVU HOUSE, NEKRAJE VILLAGE,
KASARAGOD DISTRICT- 671 121.

* ADDITIONAL R3 & R4 IMPLEADED

3. ASSAINAR P.D., AGED 42 YEARS,
S/O.MUHAMMED, R/AT.DARULKHARI MANZIL, MAVINAKKATTA,
NEKRAJE VILLAGE, KASARAGOD DISTRICT.
4. ANTHA @ P.M.ABDULLAKUNHI,
S/O.MUHAMMED, R/AT.D.K.MANZIL, ARATTUKADAVU,
NEKRAJE VILLAGE, KASARAGOD DISTRICT.

* ADDITIONAL R3 AND R4 ARE IMPLEADED AS PER ORDER DATED 11.06.2015
CRL.M.APP.NO.5394 OF 2015.

R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE
R2 BY ADV. SMT.C.B.SUMA DEVI

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 11-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE I: TRUE COPY OF THE FINAL REPORT IN CRIME NO.48/2013
 DATED 23.02.2013 OF BADIADKA POLICE STATION,
 KASARAGOD DISTRICT.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

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Crl.M.C No.3547 of 2014

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Dated this the 11th day of June, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.48 of 2013 of Badiadka Police Station, Kasaragod District registered under Sections 341, 323, 324 506(i) r/w 34 of the I.P.C. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the de facto complainant out of court. The de facto complainant is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. He has filed affidavit to the effect that he has settled the whole dispute with the accused and he has no grievance or complaint.

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.48 of 2013 of Badiadka Police Station, including all further proceedings arising out of C.C.No.2833 of 2013 on the file of Judicial First Class Magistrate Court, Kasaragod

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

