

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. 3548 of 2014

**CP 50/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KASARAGOD
CRIME NO. 46/2013 OF BADIADUKKA POLICE STATION , KASARGOD**

PETITIONER(S)/ACCUSED:

**ABDULLAKUNHI @ ABDU,
S/O.KUNHAMU, R/AT ARATTUKADAVU, NEKRAJE VILLAGE,
KASARAGOD DISTRICT.**

BY ADV. SRI.KODOTH SREEDHARAN

RESPONDENT(S)/COMPLAINANT:

**1. STATE OF KERALA,
THROUGH THE STATION HOUSE OFFICER,
BADIADKA POLICE STATION,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**

**2. P.D.ABDUL RAHIMAN,
S/O.MUHAMMED KUNHI, R/AT D.K.MANZIL, ARATTUKADAVU,
NEKRAJE VILLAGE, KASARAGOD DISTRICT.**

R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

R2 BY ADV. SRI.AJEESH S.BRITE

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

PJ

Crl.MC.No. 3548 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE-A1. TRUE COPY OF THE FINAL REPORT IN CRIME NO.46/2013 OF
BADIAKDA POLICE STATION**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.

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Crl.M.C No.3548 of 2014

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Dated this the 11th day of June, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.46 of 2013 of Badiadka Police Station, registered under Sections 341, 323, 324, 308 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. It is stated that now the entire disputes between the petitioner and the defacto complainant have been settled amicably and that 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.46 of 2013 of Kasaragod Police Station, including all further proceedings arising out of C.P No.50 of 2013 of the Judicial First Class Magistrate Court, Kasaragod and in Sessions Case No.183 of 2014 before Assistant Sessions Court,

Kasaragod pending against the petitioner 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