

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

CrI.MC.No. 4750 of 2015 ()

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IN CC 632/2013 of J.M.F.C.-I, HOSDRUG
CRIME NO. 544/2012 OF CHANDERA POLICE STATION , KASARGOD
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PETITIONER(S)/ACCUSED 1` TO 6 :

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- 1. ABDUL VAHAB A.G. AGED 31 YEARS
S/O ABOOBACKER, RESIDING AT A.G.HOUSE, CHAUVARY
NORTH TRIKARIPUR VILLAGE, HOSDURG TALUK
KASARAGOD DISTRICT**
 - 2. NAVAS.M
S/O. MUHAMMED KUNHI. K.N. RESIDING AT SANIYA MANZIL
THANKAYAM, NORTH TRIKARIPUR VILLAGE, HOSDURG TALUK
KASARAGOD DISTRICT**
 - 3. RAMSHAD .M
S/O. MUHAMMED KUNHI. K.N. RESIDING AT SANIYA MANZIL
THANKAYAM, NORTH TRIKARIPUR VILLAGE, HOSDURG TALUK
KASARAGOD DISTRICT**
 - 4. MOHAMMED JABIR
S/O ABDUL KADER, RESIDING AT MOOPANDAKATHU HOUSE
THANKAYAM, NORTH TRIKARIPUR VILLAGE, HOSDURG TALUK
KASARAGOD DISTRICT**
 - 5. NISSAR .T
S/O MOIDEENKUTTY, RESIDING AT THELAPURATH HOUSE
S/O. MUHAMMED KUNHI. THANKAYAM
NORTH TRIKARIPUR VILLAGE, HOSDURG TALUK
KASARAGOD DISTRICT**
 - 6. V.P. FAISAL
S/O ABBAS, RESIDING AT T SULKAIKAHA MANZIL, THANKAYAM
NORTH TRIKARIPUR VILLAGE, HOSDURG TALUK
KASARAGOD DISTRICT**

BY ADV. SRI.T.MADHU

RESPONDENT(S)/STATE :

- 1. THE STATE OF KERALA
THROUGH THE STATION HOUSE OFFICER
CHANDERA POLICE STATION
REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERAL
ERNAKULAM-682 031**
- 2. BABURAJAN. V,M
S/O KUNHIKANNAN, RESIDING AT V.M HOUSE
CHAUVARY NORTH THRIKARIPUR VILLAGE, HOUSDURG TALUK
KASARGOD DISTRICT-671 310**

**R1 BY PUBLIC PROSECUTOR SRI.GITHESH.R
R2 BY ADV. SMT.G.SANGEETHA**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
29-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 4750 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1:	THE TRUE CERTIFIED COPY OF THE FIR IN CRIME NO. 544/12 OF CHANDERA POLICE STATION
ANNEXURE A2;	THE TRUE CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 544/12 OF CHANDERA POLICE STATION
ANNEXURE A3;	THE AFFIDAVIT DT. 21/7/2015 SWORN BY THE 2ND RESPONDENT
ANNEXURE A4:	THE TRUE COPY CERTIFIED COPY OF THE MEMO OF EVIDENCE IN CRIME NO. 544/12 OF CHANDERA POLICE STATION

RESPONDENT(S)' EXHIBITS

NIL

/TRUE COPY/

PA TO JUDGE

VS

ALEXANDER THOMAS, J.

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Crl.M.C.No.4750 of 2015

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Dated this the 29th day of July, 2015

ORDER

The petitioners seek orders to quash the final report and further proceedings in Crime No.544/2012 of Chandera Police Station, registered under Sections 143, 147, 148, 452, 427, 506(ii) read with Section 149 of the Indian Penal Code. 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 final order and further proceedings arising out of Crime No.544/2012 of Chandera Police Station, including all further proceedings arising out of C.C.No.632/2013 on the file of the Judicial First Class Magistrate's Court-I, Hosdurg, 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/-
ALEXANDER THOMAS
JUDGE

VS