

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

Crl.MC.No. 4752 of 2015 ()

CRIME NO. 359/2015 OF MANJESWAR POLICE STATION, KASARGOD

PETITIONER(S)/ACCUSED 1 TO 4:

- 1. SHIHAB, AGED 32 YEARS
S/O.IBRAHIM, RESIDING AT GERUKATTE, KUNJATHUR VILLAGE
MANJESWAR TALUK, KASARAGOD DISTRICT.**
- 2. SADDAM @ ABOOBACKER SIDDIQUE, AGED 24 YEARS
S/O.IBRAHIM, RESIDING AT GERUKATTE, KUNJATHUR VILLAGE
MANJESWAR TALUK, KASARAGOD DISTRICT.**
- 3. NASEER @ HUSSAIN.M, AGED 30 YEARS
S/O.MOIDEENKUTTY, RESIDING AT GERUKATTE
KUNJATHUR VILLAGE, MANJESWAR TALUK
KASARAGOD DISTRICT.**
- 4. KHADER @ ABDUL KHADER, AGED 24 YEARS
S/O.M.P.MOIDU, RESIDING AT MAK MANZIL, PAVOOR
PAVOOR VILLAGE, MANJESWAR TALUK, KASARAGOD DISTRICT.**

BY ADV. SRI.T.MADHU

RESPONDENT(S)/STATE:

- 1. THE STATE OF KERALA
THROUGH THE STATION HOUSE OFFICER
MANJESWAR POLICE STATION
KASARAGOD DISTRICT, REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. ALI.K.M, AGED 28 YEARS
S/O.MOHAMMED, RESIDING AT KEDAMBADI PADAVUHOUSE
PAVOOR VILLAGE AND POST, MANJESWARTALUK
KASARAGOD DISTRICT - 671 323.**

**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. 4752 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE-A1:	THE TRUE CERTIFIED COPY OF THE FIR IN CRIME NO.359/2015 OF MANJESWAR POLICE STATION, KASARAGOD DISTRICT.
ANNEXURE-A2:	THE AFFIDAVIT DATED 23.7.2015 SWORN IN BY THE 2ND RESPONDENT

RESPONDENT(S)' EXHIBITS

NIL

/TRUE COPY/

PA TO JUDGE

VS

ALEXANDER THOMAS, J.

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Crl.M.C.No.4752 of 2015

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Dated this the 29th day of July, 2015

ORDER

The petitioners seek orders to quash the F.I.R and further proceedings in Crime No.359/2015 of Manjeswar Police Station, registered under Sections 341, 323, 324, 308 read with section 34 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 F.I.R and further proceedings arising out of Crime No.359/2015 of Manjeswar Police Station, including all further proceedings 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