

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 30TH DAY OF JULY 2015/8TH SRAVANA, 1937

Crl.MC.No. 4761 of 2015

S.C.NO.333/2011 OF ASSISTANT SESSIONS COURT, KARUNAGAPPALLY

CRIME NO. 51/2009 OF SASTHAMCOTTA POLICE STATION , KOLLAM DISTRICT

PETITIONER(S)/ACCUSED :

**JAFFAR, AGED 38 YEARS,
S/O.ABDUL KAHADER, MEMANA PADEETTATHIL, KADAPPA MURI,
MYNAGAPPALLY VILLAGE, KUNNATHOOR TALUK,
KOLLAM DISTRICT.**

BY ADV. SRI.P.VDILEEP

RESPONDENT(S)/COMPLAINANT :

**1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

**2. SHAMEER, AGED 25 YEARS,
S/O.SAINUDEEN, SHAMNAD MANZIL, EDAVANASSERY MURI,
MYNAGAPPALLY VILLAGE, KUNNATHOOR TALUK,
KOLLAM DISTRICT.**

**3. SANTHOSH, AGED 38 YEARS,
S/O.AYYAPPAN, KALLANTAYYATHU VEEDU, EDAVANASSERY MURI,
MYNAGAPPALLY VILLAGE, KUNNATHOOR TALUK,
KOLLAM DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN
R2 & R3 BY ADV. SRI.S.KRISHNALAL**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXEXURE-A: A TRUE COPY OF THE FINAL REPORT IN CRIME NO.51/2009
OF SASTHAMCOTTA POLICE STATION IN KOLLAM DISTRICT.**

ANNEXEXURE-B: NOTARIZED AFFIDAVIT OF THE 2ND RESPONDENT.

ANNEXEXURE-C: NOTARIZED AFFIDAVIT OF THE 3RD RESPONDENT.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

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Crl.M.C.No. 4761 of 2015

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Dated this the 30th day of July, 2015

ORDER

The petitioner herein is the sole accused in the impugned Anx.A final report/charge sheet filed in Crime No.51/2009 of Sasthamcotta Town Police Station, registered for offences punishable under Secs.307 and 324 of the I.P.C., at the instance of the 2nd respondent defacto complainant, which has led to the institution of Sessions Case, S.C.No.333/2011 on the file of the Assistant Sessions Court, Karunagappally. It is stated that now the entire disputes between the petitioner on the one hand and respondents 2 and 3 on the other have been settled amicably and that the respondents 2 and 3 have sworn to Anxs.B & C affidavits respectively, before this Court, wherein it is stated that they have settled the entire disputes with the petitioner herein and that they have no objection for quashment of the impugned criminal proceedings pending against the petitioner herein. It is in the light of these aspects that the petitioner 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 the continuance of the 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 the 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.A final report/charge sheet filed in Crime No.51/2009 of Sasthamcotta Town Police Station, which has led to the institution of Sessions Case, S.C.No.333/2011 on the file of the Assistant Sessions Court, Karunagappally, and all further proceedings arising therefrom pending against the petitioner herein stand quashed.

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

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge