

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. 4801 of 2015

CRIME NO.610/2002 OF ERNAKULAM NORTH POLICE STATION , ERNAKULAM

PETITIONER(S) :

**G.S.R.KRISHNAN, AGED 59 YEARS,
SON OF GOPALAKRISHNA IYER, 48/507-A,
BHAVANS SOUTH ROAD, ELAMAKKARA P.O., PIN- 682 026.**

BY ADV. SRI.BASIL MATHEW

RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY S.I OF POLICE,
ERNAKULAM TOWN NORTH POLICE STATION- 682 017.**
- 2. M/S.ASHOK LEYLAND FINANCE LTD.,
VITHAYATHIL CHAMBERS, 36/1270, LISSIE JUNCTION,
ERNAKULAM- 682 017 REPRESENTED BY ITS BRANCH IN
CHARGE A.K.SADEESH.**

**R1 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN
R2 BY ADV. SRI.VARGHESE C.KURIAKOSE**

**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 :

ANNEXURE 1: CERTIFIED COPY OF F.I.R NO.610/2002 DATED 17/12/2002 OF ERNAKULAM TOWN NORTH POLICE STATION.

ANNEXURE 2: CERTIFIED COPY OF FINAL REPORT DATED 26/11/2003.

ANNEXURE 3: AFFIDAVIT OF THE 2ND RESPONDENT DATED 27/06/2015.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

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Crl.M.C.No. 4801 of 2015

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Dated this the 30th day of July, 2015

O R D E R

The petitioner herein is the sole accused in the impugned Anx.2 final report/charge sheet filed in Anx.1 Crime No. 610/2002 of Ernakulam Town North Police Station, registered for offences punishable under Secs.408, 420, 465, 468 & 477(A) of the I.P.C., at the instance of the 2nd respondent defacto complainant, which has led to the institution of Calendar Case, C.C.No.625/2004 (Now L.P.No.2/2011) on the file of the Judicial First Class Magistrate's Court-II, Ernakulam. It is stated that now the entire disputes between the petitioner and the 2nd respondent defacto complainant have been settled amicably and that the 2nd respondent has sworn to Anx.3 affidavit before this Court, wherein it is stated that he has settled the entire disputes with the petitioner herein and that he has no objection for quashment of the impugned criminal proceedings pending against the petitioner. 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.2 final report/charge sheet filed in Anx.1 Crime No. 610/2002 of Ernakulam Town North Police Station, which has led to the institution of Calendar Case, C.C.No.625/2004 (Now L.P.No.2/2011) on the file of the Judicial First Class Magistrate's Court-II, Ernakulam, 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