

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. 4823 of 2015

CC 1253/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, NADAPURAM
CRIME NO. 201/2013 OF VALAYAM POLICE STATION , KOZHIKODE

PETITIONER(S)/ACCUSED NO.1 TO 14:

1. LATHEEF MASTER, AGED 36 YEARS,
S/O.KUTTIALI, PONNANDIYIL HOUSE, UMMATHOOR,
PARAKKADAVU P.O., KOZHIKODE DISTRICT-673101.
2. RASHEED, AGED 42 YEARS, S/O.ABDULLA, THAIKANDI HOUSE,
UMMATHOOR,
PARAKKADAVU P.O., KOZHIKODE DISTRICT-673101.
3. NAWAS, AGED 35 YEARS, S/O.ABDULLA,
THAIKKANDI HOUSE, UMMATHOOR,
PARAKKADAVU P.O., KOZHIKODE DISTRICT-673101.
4. ABDULLA, AGED 37 YEARS, S/O.AHAMMED,
THAIKANDIYIL HOUSE, UMMATHOOR,
PARAKKADAVU P.O., KOZHIKODE DISTRICT-673101.
5. MAHAMOOD, AGED 55 YEARS, MADATIL HOUSE, UMMATHOOR,
PARAKKADAVU P.O., KOZHIKODE DISTRICT-673101.
6. ABDU RAHIMAN, AGED 46 YEARS,
S/O.MAYAN, KANHAL HOUSE, UMMATHOOR,
PARAKKADAVU P.O., KOZHIKODE DISTRICT-673101.
7. HAMEED MASTER, AGED 34 YEARS,
S/O.HASSAN KUTTY, CHELAPPURATH HOUSE, UMMATHOOR,
PARAKKADAVU P.O., KOZHIKODE DISTRICT-673101.
8. HAMEED MASTER, AGED 35 YEARS, S/O.MOIDU,
PUTHIYAPARAMBATH HOUSE, UMMATHOOR,
PARAKKADAVU P.O., KOZHIKODE DISTRICT-673101.
9. ISMAIL, AGED 47 YEARS, S/O.MOIDU HAJI,
PONNANDIYIL HOUSE, UMMATHOOR,
PARAKKADAVU P.O., KOZHIKODE DISTRICT-673101.

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Crl.MC.No. 4823 of 2015

10. ASHARAF MASTER, AGED 42 YEARS,
S/O.ABDULLA HAJI, PATHIYAYINDAVIDA HOUSE, UMMATHOOR,
PARAKKADAVU P.O, KOZHIKODE DISTRICT-673101.
11. MOHAMOOD, AGED 46, S/O.ABDULLA,
THAIKANDIYIL HOUSE, UMMATHOOR,
PARAKKADAVU P.O., KOZHIKODE DISTRICT-673101.
12. THAJUDHEEN, AGED 24 YEARS, S/O.AHAMMED,
PONNANDIYIL HOUSE, UMMATHOOR,
PARAKKADAVU P.O., KOZHIKODE DISTRICT-673101.
13. RAHEES, AGED 21 YEARS, S/O.ISMAIL,
PONNANDIYIL HOUSE, UMMATHOOR,
PARAKKADAVU P.O., KOZHIKODE DISTRICT-673101.
14. MUSTHAF, AGED 23 YEARS, S/O.ISMAIL,
POOVAN MATATHIL HOUSE, UMMATHOOR,
PARAKKADAVU P.O., KOZHIKODE DISTRICT-673101.

BY ADV. SRI.M.G.SREEJITH

RESPONDENT(S)/STATE/DEFACTO COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
VALAYAM POLICE STATION, THROUGH
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA-682031.
2. NASAR, AGED 37 YEARS, AMMAD HAJI,
KOYAMBRATH HOUSE, PARAKKADAVU P.O,
KOZHIKODE DISTRICT-673101.
3. SAKKARIYA, AGED 19 YEARS, S/O.ABDULLA,
PEETHAKANDIYIL HOUSE, PARAKKADAVU P.O,
KOZHIKODE DISTRICT-673101.
4. MANZOOR, AGED 22 YEARS, S/O.MOOSA,
CHATHANKANDIYIL HOUSE, UMMATHOOR,
PARAKKADAVU P.O., KOZHIKODE DISTRICT-673101.
5. MUHAMMAD FAISAL, AGED 20 YEARS, S/O.HAMSA,
KOYIPPALLIYIL HOUSE, UMMATHOOR,
PARAKKADAVU P.O., KOZHIKODE DISTRICT-673101.

R1 BY PUBLIC PROSECUTOR SRI.JIKKU JACOB
R2-3 BY ADV. SRI.ABDUL JALEEL ONATH

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

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Crl.MC.No. 4823 of 2015

APPENDIX

PETITIONERS' ANNEXURES

**A1: COPY OF CHARGE SHEET IN CRIME NO.201/13 NOW IN THE FILE OF JUDICIAL
FIRST CLASS MAGISTRATE COURT, NADAPURAM IN CC.1253/13**

A2(A) TO A2(D): THE AFFIDAVIT FILED BY RESPONDENTS 2 TO 5 DATED 27/1/15

RESPONDENTS' ANNEXURE

NIL.

/ TRUE COPY /

P.S. TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C No.4823 of 2015

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Dated this the 30th day of July, 2015

O R D E R

The petitioners seek orders for quashing the F.I.R and further proceedings in Crime No.201/2013 of Valayam Police Station, registered under Sections 143, 147, 148, 341, 323, 324, 308 r/w 149 of IPC. 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. The other persons who sustained injuries in the alleged incident are the respondents 3 to 5. They have also filed affidavit to the effect that they have settled the dispute with the accused and they have no grievance or complaint now and they have no objection for quashment of the impugned criminal proceedings pending against the petitioners.

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.201/2013 of Valayam Police Station,

including all further proceedings arising out of C.C.No.1253 of 2013 on the file of the Judicial First Class Magistrate Court 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/-

sab

ALEXANDER THOMAS, JUDGE