

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 31ST DAY OF JULY 2015/9TH SRAVANA, 1937

Crl.MC.No. 4841 of 2015

**CC 201/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I MUVATTUPUZHA
CRIME NO. 32/2012 OF MUVATTUPUZHA POLICE STATION , ERNAKULAM**

PETITIONER(S)/ACCUSED:

1. JALEEL, S/O.SIDDIQUE, AGED 65 YEARS,
FAIZAL MANZIL, KIZHAKKEKARA,
MUVATTUPUZHA P.O.ERNAKULAM DIST., PIN-686 661.
2. MAHIN, S/O.ANTHRU, AGED 28 YEARS,
PADINJARE OTTATHU (H), PANDIRIMALA,
MUVATTUPUZHA P.O. ERNAKULAM DIST., PIN-686 661.
3. SIDHIQUE, AGED 61 YEARS,
S/O.HASSAN RAWTHER, FAIZAL MANZIL, KIZHAKKEKARA,
MUVATTUPUZHA P.O., ERNAKULAM DIST., . PIN-686 661.

**BY ADVS.SRI.BECHU KURIAN THOMAS
SRI.S.SREEDEV**

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.
2. MUJEEB RAHIMAN,
AGED 41 YEARS, S/O.ABDULWAHAB, PALLIKKODATHIL HOUSE,
KIZHAKKEKARA, MUVATTUPUZHA P.O,
ERNAKULAM DIST., PIN-686 661.
3. KASIM,
AGED 65 YEARS, S/O.MUHAMMED, PALLIKKODATHIL HOUSE,
KIZHAKKEKARA, MUVATTUPUZHA P.O,
ERNAKULAM DIST., PIN-686 661.

**R1 BY PUBLIC PROSECUTOR SRI.DHANESH MANJOORAN
R2,& 3 BY ADV. SRI.UNNI. K.K. (EZHUMATTOOR)**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 31-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNX.A1 - A TRUE COPY OF THE FINAL REPORT DTD.22.09.2011 IN C.C.201/2012 ON
THE FILES OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
MUVATTUPUZHA.**

ANNX.A2 - AFFIDAVIT DTD.27.07.2015 AFFIRMED BY THE 2ND RESPONDENT.

ANNX.A3 - AFFIDAVIT DTD. 27.07.2015 AFFIRMED BY THE 3RD RESPONDENT.

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.

Crl.M.C.No.4841 Of 2015

Dated this the 31st day of July, 2015.

ORDER

The petitioners herein are accused Nos.1 to 3 in Crime No.32/2012 of Muvattupuzha Police Station, which is now pending as C.C.No.201/2012 on the file of the Judicial First Class Magistrate Court-I, Muvattupuzha for alleged offences punishable under Secs.341, 323, 324 r/w 34 IPC. The prosecution allegation is that the accused together obstructed and assaulted the 2nd and 3rd respondents and caused injuries to them and thus committed the offences. It is now submitted that the matter has been settled between the petitioners and defacto complainant and injured and respondents 2 & 3 (defacto complainant and injured) have sworn to Anxs.A2 & A3 affidavits stating that the matter has been settled and they do not wish to prosecute any of the accused further and that they have no objection in quashing the impugned criminal proceedings pending against the petitioners. It is in the light of these aspects that the prayer for quashment of the impugned criminal proceedings has been made by the petitioners in the instant Crl.M.C.

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.

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3. Accordingly, it is ordered in the interest of justice that the impugned Anx-A1 final report/charge sheet filed in Crime No.32/2012 of Muvattupuzha Police Station, which is now pending as C.C.No.201/2012 on the file of the Judicial First Class Magistrate Court-I, Muvattupuzha, and all further proceedings arising therefrom pending against the petitioners herein stand quashed under Sec.482 of the Code of Criminal Procedure.

With these observations and directions, this Crl.M.C stands finally disposed of.

ALEXANDER THOMAS,
Judge.

bkn/-