

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937

Crl.MC.No. 4883 of 2015

**CC 67/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - I, NEDUMANGAD
CRIME NO. 450/2012 OF VALIYAMALA POLICE STATION , THIRUVANANTHAPURAM**
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PETITIONER(S)/ACCUSED:

1. ASEEM, AGED 25,
S/O.LATHEEF, 18TH STONE, HASEENA MANZIL,
ANADU MURI, ANADU VILLAGE, NEDUMANGAD TALUK,
THIRUVANANTHAPURAM.
2. MUHAMMED NAVAS,
S/O.YUNUS KUNJU, 18TH STONE, ASHIK MANZIL,
CHITTUVEEDU MURI, THOLIKODE VILLAGE, NEDUMANGAD TALUK,
THIRUVANANTHPURAM.
3. JIMSHA KALAM, AGED 26,
S/O.ABDUL KALAM, JASIM MANZIL, ANADU VILLAGE,
NEDUMANGAD TALUK, THIRUVANANTHAPURAM.
4. ABDUL HAKEEM, AGED 50,
S/O.MUHAMMED SALI, IDAMALA HOUSE, ARCH JUNCTION,
MANTHARKONAM, ANADU MURI, ANADU VILLAGE,
NEDUMANGAD TALUK, THIRUVANANTHAPURAM.
5. SHAN, AGED 27,
S/O.ABDUL RAHMAN SALIM, SHAN MANZIL, THOLIKODE,
CHITTUVEEDU MURI, THOLIKODE VILLAGE, NEDUMANGAD TALUK,
THIRUVANANTHAPURAM.
6. ASHARAF, AGED 43,
S/O.MUHAMMED KASIM, ASIF MANZIL, ARCH JUNCTION,
MANTHARKONAM, ANADU MURI, ANADU VILLAGE,
NEDUMANGAD TALUK, THIRUVANANTHAPURAM.

BY ADV. SRI.LATHEESH SEBASTIAN

msv/

Crl.MC.No. 4883 of 2015

RESPONDENT(S)/STATE & COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY THE DIRECTOR OF PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
2. SUB INSPECTOR OF POLICE,
VALIAMALA POLICE STATION,
THIRUVANANTHAPURAM DISTRICT - 695 041.
3. VINOD KUMAR, AGED 33,
S/O.SURENDRAN, THADATHARIKATHU VEEDU,
VELANKI, ANAPPARA, VITHURA VILLAGE,
NEDUMANGAD TALUK, THIRUVANANTHAPURAM - 695 042.

**R1 & R2 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN
R3 BY ADV. SRI.R.ARUN**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
03-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 4883 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A1: TRUE COPY OF THE F.I.R IN CRIME NO.450/2012 OF VALIYAMALA
POLICE STATION.**

**ANNEXURE A2: TRUE COPY OF THE FINAL REPORT IN CRIME NO.450/2012 OF
VALIYAMALA POLICE STATION.**

ANNEXURE A3: TRUE COPY OF THE AFFIDAVIT OF THE 3RD RESPONDENT.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msv/

ALEXANDER THOMAS, J.

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Dated this the 3rd day of August, 2015.

ORDER

The petitioners herein are accused Nos.1 to 6 in the impugned Anx-A2 Final Report/Charge Sheet filed in Crime No.450/2012 of Valiyamala Police Station, which is now pending as C.C.No.67/2013 on the file of the Judicial First Class Magistrate Court-I, Nadumangad, for the alleged offences punishable under Secs.143, 147, 149, 332 & 427 of the IPC. The prosecution allegation is that due to giving of stop signal by belling the KSRTC Bus by the 3rd respondent, the accused persons assaulted him and caused loss of Rs.2,500/- to him and thus the accused persons committed the offences. It is now submitted that the matter has been settled between the petitioners and the defacto complainant (3rd respondent) and that the defacto complainant has sworn to Anx.A3 affidavit stating that the matter has been settled and he does not have any subsisting grievance against the petitioners and that he has no objection in quashing the impugned criminal proceedings pending against the petitioners. It is in the light of these aspects that the prayer

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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

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particularly paragraph 29 thereof, could be applied in this case to consider the prayer for quashment.

3. Accordingly, it is ordered in the interest of justice that the impugned Anx-A2 Final Report/Charge Sheet filed in Crime No.450/2012 of Valiyamala Police Station, which is now pending as C.C.No.67/2013 on the file of the Judicial First Class Magistrate Court-I, Nadumangad, 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/-