

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

Crl.MC.No. 4951 of 2015 ()

**SC. NO.270/2011 OF ASSISTANT SESSIONS COURT, MANJERI.
CRIME NO. 27/2011 OF EDAKKARA POLICE STATION, MALAPPURAM DISTRICT.**

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PETITIONERS/ACCUSED:

- 1. ABDUL KAREEM, S/O.MOHAMMED,
AGED 47 YEARS, IRIYAKALATHIL HOUSE,
CHUNGATHARA, NILAMBUR TALUK,
MALAPPURAM DISTRICT.**
- 2. RAMAKRISHNAN, AGED 55 YEARS,
S/O.KARAPPAN, EDATHODIKA HOUSE,
CHUNGATHARA, NILAMBUR TALUK,
MALAPPURAM DISTRICT.**

BY ADV. SRI.P.SAMSUDIN.

RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.
(CRIME NO.27/2011 OF EDAKKARA POLICE STATION).**
- 2. JACOB P.P., AGED 58 YEARS,
S/O.PHILIPOSE, PATTTERIL HOUSE,
MUPPINI, CHUNGATHARA-679 324,
NILAMBUR TALUK, MALAPPURAM DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN.
R2 BY ADV. SRI.K.C.ANTONY MATHEW**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

**ANNEXURE A1 CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.27/2011
OF EDAKKARA POLICE STATION.**

**ANNEXURE A2 THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT
DATED 12/06/2015.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

ALEXANDER THOMAS, J.

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Crl.M.C No.4951 of 2015

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Dated this the 5th day of August, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.27/2011 of Edakkara Police Station, registered under Sections 341, 332, 308, 294(b) r/w 34 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 objection for quashment of the impugned criminal proceedings 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.27/2011 of Edakkara Police Station, including all further proceedings arising out of S.C.No. 270/2011 on the file of the Assistant Sessions Court, Manjeri 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

