

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. 4963 of 2015

**CC 1134/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KUNNAMKULAM
CRIME NO. 460/2015 OF KUNNAMKULAM POLICE STATION, THRISSUR**
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PETITIONER(S)/ACCUSED NO 1 AND 2:

- 1. VAHAB, AGED 20 YEARS,
S/O. SIDDIQUE, KULANGARAVALLAPPIL HOUSE,
KIDANGOOR DESOM, CHIRAMANENGAD VILLAGE,
THRISSUR DISTRICT.**
- 2. VISHNU, AGED 21 YEARS,
S/O. JAYANANDAN, THAMARASSERY VEEDU, KIDANGOOR DESOM,
CHIRAMANENGAD VILLAGE, THRISSUR DISTRICT.**

**BY ADVS.SRI.G.SREEKUMAR (CHELUR)
SRI.K.R.ARUN KRISHNAN**

RESPONDENT(S)/STATE OF KERALA AND COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**
- 2. SIDDIQUE, AGED 59 YEARS,
S/O. KUNJUMON, NARANATHUVALAPPIL HOUSE,
KIDANGOOR DESOM, CHIRAMANENGADU VILLAGE,
THRISSUR DISTRICT.**

**R2 BY ADV. SRI.N.L.BITTO
R1 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN**

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

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEXURE A1: A TRUE COPY OF THE FIR NO 460/2015 OF KUNNAMKULAM POLICE STATION, THRISSUR DT 09-03-2015.

ANNEXURE A2: A CERTIFIED COPY OF THE FINAL REPORT NO 755 OF 2015 FILED BY THE KUNNAMKULAM POLICE, THRISSUR DATED 06-05-2015 AND FIR NO 400/11.

ANNEXURE A3: A TRUE COPY OF THE AFFIDAVIT OF SETTLEMENT SWORN BY THE DE FACTO COMPLAINANT/2ND RESPONDENT DATED 25-05-2015.

ANNEXURE A4: TRUE COPY OF THE ELECTION IDENTITY CARD OF THE 2ND RESPONDENT

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

ALEXANDER THOMAS, J.

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Crl.M.C No.4963 of 2015

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Dated this the 5th day of August, 2015

ORDER

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.460/2015 of Kunnamkulam Police Station, registered under Sections 447, 435 and 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 petitioner.

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.460/2015 of Kunnamkulam Police Station, including all further proceedings arising out of C.C.No.1134 of 2015 on the file of the Judicial First Class Magistrate Court, Kunnamkulam, Thrissur pending against the petitioner 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