

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. 4967 of 2015 ()

CC. NO.313/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, MAVELIKKARA.
CRIME NO. 425/2012 OF MAVELIKKARA POLICE STATION, ALAPPUZHA DIST.

PETITIONER/ACCUSED:

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- 1. MANOJ @ BIJU, AGED 29 YEARS,
S/O.VIDHYADHARAN, MIDHUN NIVAS, ERAVANKARA MURI,
THAZHAKKARA, MAVELIKKARA, ALAPPUZHA.**
 - 2. ABHEY, AGED 23 YEARS, S/O BOSS,
MAMOOTIL ABHEY VILLA, ERAVANKARA MURI,
THAZHAKKARA, MAVELIKKARA, ALAPPUZHA.**

**BY ADVS.SRI.R.SUNIL KUMAR,
SMT.A.SALINI LAL.**

RESPONDENT/COMPLAINANT:

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- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
 - 2. GOVINDAN, AGED 75 YEARS,
PANAYIL VADAKKATHIL, ERAVANKARA,
MAVELIKKARA.**
 - 3. RAJAMMA,, AGED 69 YEARS, W/O.GOVINDAN, -DO-.**

R1 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN.
R2 BY ADV. SMT.T.M.BINITHA

**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-1 COPY OF THE FINAL REPORT.

ANNEXURE-2 AFFIDAVIT FILED BY THE 2ND AND 3RD RESPONDENT.

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

ALEXANDER THOMAS, J.

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Crl.M.C No.4967 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.425/2012 of Mavelikkara Police Station, registered under Sections 447, 294(b), 506(ii), 427 r/w 34 of IPC. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the parties out of court. Now the de facto complainant is no more and the respondents 2 and 3 are the father and mother and the only legal heirs of the de-facto complainant in this proceeding. They have filed affidavit to the effect that they have settled the whole dispute with the accused and they have no objection for quashment of the impugned criminal proceedings pending against the petitioners herein.

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.425/2012 of Mavelikkara Police Station, including all further proceedings arising out of C.C.No.313/12 on

the file of the Judicial First Class Magistrate Court-I, Mavelikkara 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