

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

Crl.MC.No. 3789 of 2014 ()

**LP.NO. 31/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, RAMANKARY
CRIME NO. 292/2009 OF RAMANKARY POLICE STATION , ALAPPUZHA DISTRICT**

PETITIONER/ACCUSED :

**SUJITH, AGED 34 YEARS,
S/O. DIVAKARAN, SUJITH BHAVAN, WARD NO.5,
VELIYANADU VILLAGE, KUTTANAD TALUK,
ALAPPUZHA.**

**BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S
SRI.RENJIT GEORGE
SRI.RENJITH.R.NAIR
SRI.S.K.SUJITH KRISHNA
SRI.S.VISHNU (ARIKKATTIL)**

RESPONDENT(S)/STATE, CW1:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. SOMARAJAN, AGED 50 YEARS,
S/O. KUNJUKUTTAN, NALPATHILCHIRA VEEDU,
KUNNAMKARI MURI, WARD 5, VELIYANADU PANCHAYAT,
VELIYANADU VILLAGE, PIN-681 009.**

**R1 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN
R2 BY SRI.SERGI JOSEPH THOMAS**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 04-08-2015, ALONG WITH CRL.MC.NO. 3793 OF 2014, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.MC.No. 3789 of 2014 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX A1 : COPY OF THE CHARGE SHEET IN CP NO.37/2011 AND IN LP NO.31/2012
IN THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE, RAMANKARY
AND IN CRIME NO.292/2009 OF RAMANKARY POLICE STATION.**

**ANNEX A2 : AN AFFIDAVIT SWORN BY THE SECOND RESPONDENT STATING THE
SETTLEMENT OF ALL THE DISPUTES.**

RESPONDENT(S)' ANNEXURES: **NIL**

/TRUE COPY/

P.S.TO JUDGE

sts

ALEXANDER THOMAS, J.

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Crl.M.C.Nos.3789 & 3793 of 2014

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Dated this the 4th day of August, 2015

O R D E R

The petitioners covered by these Criminal Miscellaneous Cases are the three accused in Crime No.292/2009 of Ramankary Police Station, Alappuzha district. Shorn of the details of the institution of the case, it is only suffice to say that the case was split up and presently the petitioner in Crl.M.C.No.3789/2014 is accused in C.P.No.37/2011 now pending as L.P.No.31/2012 on the file of the Judicial First Class Magistrate's Court, Ramankary, which arises from the above said crime, whereas the two petitioners in Crl.M.C.No. 3793/2014 are the two accused in S.C.No.219/2012 on the file of the Court of Addl. Sessions Judge (Ad Hoc-II), Alappuzha, which also arises from the very same crime. It is stated that now the entire disputes between the petitioners and the 2nd respondent defacto complainant in these Crl.M.Cs. have been settled amicably and that affidavits to that effect have also been filed by the 2nd respondent, wherein it is stated that he has no objection for quashment of the

impugned criminal proceedings pending against petitioners in these Criminal Miscellaneous Cases. It is in the light of these aspects that the petitioners have preferred the instant Criminal Miscellaneous Cases with the prayer to quash the impugned criminal proceedings against them.

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.

Accordingly, it is ordered in the interest of justice that:-

- (i) In Crl.M.C.No.3789/2014 the impugned Anx.A-1 final report/charge sheet filed in Crime No.292/2009 of Ramankary Police Station, Alappuzha district, which has led to the institution of C.P.No.37/2011 now pending as L.P.No.31/2012 on the file of the Judicial First Class Magistrate's Court, Ramankary, and all further proceedings arising therefrom pending against the petitioner therein stand quashed.
- (ii) In Crl.M.C.No.3793/2014 the impugned Anx.A-1 final report/charge sheet filed in Crime No.292/2009 of Ramankary Police Station, Alappuzha district, which has led to the institution of S.C.No. 219/2012 on the file of the Court of Additional Sessions Judge (Adhoc-II) and all further proceedings arising therefrom pending against the petitioners therein stand quashed.

With these observations and directions these Criminal Miscellaneous Cases stand finally disposed of.

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge