

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. 4988 of 2015

**CC 245/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, PERUMBAVOOR
CRIME NO. 879/2013 OF PERUMBAVOOR POLICE STATION, ERNAKULAM**
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PETITIONER(S)/ACCUSED:

1. GEORGE PAUL, AGED 35 YEARS,
S/O.PAULOSE, NEDUMGATTU PUTHENPURA HOUSE,
VENGOLA VILLAGE, WEST VENGOLA P.O.,
ERNAKULAM DISTRICT.
2. JYOTHIS, AGED 26 YEARS,
S/O.JOY, NEELANGAL HOUSE, WEST VENGOLA P.O.,
ARACKAPPADY VILLAGE, ERNAKULAM DISTRICT.
3. BASIL JACOB, AGED 26 YEARS,
S/O.JACOB, PANAYIL HOUSE, VENGOLA KARA,
ARACKAPPADY VILLAGE, ERNAKULAM DISTRICT.
4. AJIN BABU, AGED 23 YEARS,
S/O.BABU PAUL, PANAYIL HOUSE, WEST VENGOLA P.O.,
ARACKAPPADY VILLAGE, ERNAKULAM DISTRICT.
5. ARUN ELIAS, AGED 33 YEARS,
S/O.ALIAS, NEDUNGATTU PUTHENPURAYIL HOUSE,
WEST VENGOLA P.O., ARACKAPPADY VILLAGE,
ERNAKULAM DISTRICT.
6. ELIAS, AGED 54 YEARS,
S/O.ITHAPIRI, NEDUNGATTU PUTHENPURAYIL HOUSE,
WEST VENGOLA P.O., ARACKAPPADY VILLAGE,
ERNAKULAM DISTRICT.
7. ELTHO ELIYAS, AGED 25 YEARS,
S/O.ELIYAS, NEDUNGATTU PUTHENPURAYIL HOUSE,
WEST VENGOLA P.O., ARACKAPPADY VILLAGE,
ERNAKULAM DISTRICT.
8. BOSE, AGED 46 YEARS,
S/O.GEORGE, KOLLIYELI HOUSE, WEST VENGOLA P.O.,
ARACKAPPADY VILLAGE, ERNAKULAM DISTRICT.

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9. BASIL KURIAKOSE, AGED 26 YEARS,
S/O.KURIAKOSE, MANGALATH HOUSE, WEST VENGOLA P.O.,
ARACKAPPADY VILLAGE, ERNAKULAM DISTRICT.
10. LIJOY BABY, AGED 24 YEARS,
S/O.BABY, MALLIYATH HOUSE, WEST VENGOLA P.O.,
ARACKAPPADY VILLAGE, ERNAKULAM DISTRICT.
11. ARUN PAUL, AGED 33 YEARS,
S/O.PAULOSE, KOLLIYELI HOUSE, ARACKAPPADY VILLAGE,
ONAMKULAM BHAGOM, ERNAKULAM DISTRICT.
12. ELDHOSE, AGED 23 YEARS,
S/O.BENNY PAUL, PATTLATTU HOUSE, WEST VENGOLA P.O.,
ARACKAPPADY VILLAGE, ERNAKULAM DISTRICT.

BY ADV. SRI.P.P.BIJU

RESPONDENT(S)/STATE & COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. AJI, AGED 36 YEARS,
S/O.ETTEERA, PARAKKATTU HOUSE, ARACKAPPADY VILLAGE,
VENGOLA KARA, KUNNATHUNAD TALUK, ERNAKULAM DISTRICT.
3. IBY PAUL, AGED 31 YEARS,
S/O.PAULOSE, PATTLATTU HOUSE, VENGOLA KARA,
WEST VENGOLA P.O., ARACKAPPADY VILLAGE,
KUNNATHUNAD TALUK, ERNAKULAM DISTRICT.
4. JOBY THOMAS, AGED 27 YEARS,
S/O.THOMAS, PACHAM PARAMBIL HOUSE, ARACKAPPADY VILLAGE,
VENGOLA KARA, WEST VENGOLA P.O., ERNAKULAM DISTRICT.

R2-R4 BY ADV. SRI.ANISH PAUL
R1 BY PUBLIC PROSECUTOR SRI.GITHESH R.

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

msv/

Crl.MC.No. 4988 of 2015

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE I- TRUE COPY OF THE FINAL REPORT IN C.C.NO.245/2014 OF JUDICIAL
FIRST CLASS MAGISTRATE COURT, PERUMBAVOOR.**

ANNEXURE II- ORIGINAL OF THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT.

ANNEXURE III- ORIGINAL OF THE AFFIDAVIT SWORN BY THE 3RD RESPONDENT.

ANNEXURE IV- ORIGINAL OF THE AFFIDAVIT SWORN BY THE 4TH RESPONDENT.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msv/

ALEXANDER THOMAS, J.

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Crl.M.C No.4988 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.879 of 2013 of Perumbavoor Police Station, registered under Sections 143, 147, 148, 324, 506(ii), 294(b) r/w 149 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 grievance or complaint. The other persons who sustained injuries in the alleged incident are the respondents 3 and 4. They have also filed affidavit to the effect that they have settled the dispute with the accused and they have 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.879 of 2013 of Perumbavoor Police Station, including all further proceedings arising out of C.C.No.245/2014 on

the file of the Judicial First Class Magistrate Court, Perumbavoor, Ernakulam 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