

**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. 4989 of 2015**

**CRIME NO. 133/2011 OF KOIPURAM POLICE STATION, PATHANAMTHITTA**

**PETITIONER(S)/ACCUSED -A1,A3 TO A6:**

1. RENY, AGED 39 YEARS,  
S/O.GEORGE, VAKKEPADICKAL HOUSE, KUNNATHUM KARA,  
THATTAKADU MURI, KOIPURAM VILLAGE, KOZHENCHERRY TALUK,  
PATHANAMTHITTA DISTRICT.
2. AJI, AGED 35 YEARS,  
S/O.THAMPI, AMBADI VEEDU, PERISSERY MURI,  
PULIYOOR VILLAGE, CHENGANNUR TALUK,  
ALAPPUZHA DISTRICT.
3. MAJU @ MAJU ALEXANDER, AGED 38 YEARS,  
S/O.ALEXANDER, KIZEKE PARAMBIL VEETIL, PADARATHIL PADI,  
PADIJATTUKARA MURI, NEDUMBRAM VILLAGE,  
KOZHENCHERRY TALUK, PATHANAMTHITTA DISTRICT.
4. REJY, AGED 39 YEARS,  
S/O.THOMAS, NADUVILEPARAMBIL VEETIL, PERESSERRY MURI,  
PULIYOOR VILLAGE,  
NOW RESIDING AT NEWJERUSELEM VEETIL, KULLIKKANPALAM,  
PULIYOOR THEKKUM MURI, PULIYOOR VILLAGE,  
CHENGANNUR TALUK, ALAPPUZHA DISTRICT.
5. VIYSAK, AGED 24 YEARS,  
S/O.SANKARAPILLA, PUTHUSERETHU VEETIL,  
PANACHIMOODU KARA, KANNAMANGALAM VILLAZGE,  
ALAPPUZHA DISTRICT.

**BY ADV. SRI.AJITH MURALI**

**RESPONDENT(S)/COMPLAINANT:**

1. STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
2. VIJAYAN, AGED 57 YEARS,  
S/O THIRUVAN, MUKALIKALAYIL VEEDU, KUNNATHUM KARA,  
THATTAKADU MURI, KOIPURAM VILLAGE, KOZHENCHERRY TALUK,  
PATHANAMTHITTA DISTRICT - 689 645.

**R1 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN  
R2 BY ADV. SRI.DINESH THANKAPPAN**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON  
05-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**Crl.MC.No. 4989 of 2015**

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**APPENDIX**

**PETITIONER(S)' ANNEXURES:**

**ANNEXURE-A : A CERTIFIED COPY OF THE F.I.R.IN CRIME NO.133/2011 OF KOIPURAM  
POLICE STATION.**

**ANNEXURE-B: A CERTIFIED COPY OF THE REPORT SUB INSPECTOR OF  
POLICE, KOIPURAM POLICE STATION IN CRIME NO.133/2011.**

**RESPONDENT(S)' ANNEXURES:**

**NIL**

**//TRUE COPY//**

**P.A.TO JUDGE.**

Msv/

ALEXANDER THOMAS, J.

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Crl.M.C No.4989 of 2015

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Dated this the 5<sup>th</sup> day of August, 2015

O R D E R

The petitioners seek orders for quashing the F.I.R and further proceedings in Crime No. 133/2011 of the Koipuram Police Station, registered under Sections 109, 143, 147, 148, 149, 452 and 308 IPC. Altogether 6 accused persons in this case and the 2<sup>nd</sup> respondent is no more and all the other remaining accused are the petitioners herein. 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 2<sup>nd</sup> 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 pending 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. 133/2011 of the Koipuram Police Station, including all further proceedings pending against the petitioners herein on the file of the Judicial First Class Magistrate Court-II,

Pathanamthitta, 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