

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 6TH DAY OF AUGUST 2015/15TH SRAVANA, 1937

Crl.MC.No. 5017 of 2015

CRIME NO. 237/2015 OF BEDAKOM POLICE STATION , KASARGOD

PETITIONER(S)/ACCUSED 1 TO 4:

1. **BHAVEESH, AGED 21 YEARS,
S/O. BHASAKARAN, PERLADUKKAM HOUSE,
KOLATHUR VILLAGE, KASARAGOD.**
2. **SARATH, AGED 20 YEARS
S/O.BALAKRISHNAN, KUTTYANAM, ARIYI HOUSE,
KOLATHUR VILLAGE, KASARAGOD.**
3. **MAHESH, AGED 20 YEARS
S/O. BHASKARAN, NARAKKODE HOUSE, KOLATHUR VILLAGE,
KASARAGOD.**
4. **MANU PRASAD, AGED 21 YEARS,
S/O. BALAKRISHNAN NAIR @ MANOJ (LATE), KARAKAYADUKKAM
KOLATHUR VILLAGE, KASARAGOD.**

BY ADV. SRI.S.JIJI

RESPONDENT(S)/STATE & DE-FACTO COMPLAINANT:

1. **STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
2. **NIDHESH M.J, AGED 32 YEARS,
S/O. JANARDHANAN, KUTTYANAM HOUSE, BAVIKKARAYADUKKAM,
KOLATHUR VILLAGE, KASARAGOD - 671 541.**

**R1 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN
R2 BY ADV. SMT.K.S.SANTHI**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 06-08-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 5017 of 2015

APPENDIX

PETITIONER(S)' EXHIBITS

A1 - TRUE COPY OF FIR IN CR. 237/2015 OF BEDAKOM POLICE STATION.

A2 - AFFIDAVIT DT. 30.7.2015 SWORN BY THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.

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Crl.M.C.No. 5017 of 2015

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Dated this the 6th day of August, 2015

O R D E R

The petitioners herein are accused Nos.1 to 4 in the impugned Anx.A-1 FIR in Crime No.237/2015 of Bedakom Police Station, registered for offences punishable under Secs.324, 341 and 323 read with Sec.34 of the I.P.C., at the instance of the 2nd respondent defacto complainant. The prosecution case is that on 30.5.2015 at about 4 pm. the accused persons restrained the defacto complainant and his brother at Kolathur and assaulted them with stone and stick and thus committed the above offence. It is stated that now the entire disputes between the petitioners and the 2nd respondent defacto complainant have been settled amicably and that the 2nd respondent has sworn to Anx.A-2 affidavit before this Court, wherein it is stated that he has settled the entire disputes with the petitioners and that he has no objection for quashment of the impugned criminal proceedings pending against the petitioners. It is in the light of these aspects that the petitioners have preferred

the instant Crl.M.C. 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 the impugned Anx.A-1 FIR in Crime No.237/2015 of Bedakom Police Station and all further proceedings arising therefrom pending against the petitioners herein stand quashed.

With these observations and directions this Crl.M.C. stands finally disposed of.

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge