

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

CrI.MC.No. 5029 of 2015 ()

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CC 41/2015 of CHIEF JUDICIAL MAGISTRATE COURT, MANJERI
CRIME NO. 630/2014 OF KARIPUR POLICE STATION, MALAPPURAM
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PETITIONERS/ACCUSED :

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- 1. MUHAMED SAJIN, AGED 21 YEARS,
S/O.MOHAMMEDALI, MANGALASSERY HOUSE,
VADAKKANGARA P.O., MALAPPURAM 679 324.**
 - 2. MUJEEB RAHMAN .K., AGED 22 YEARS,
S/O.IBRAHIM, KALIYADATH HOUSE, MUNDABRA THAZHATHUMURI,
UGRAPURAM P.O., AREEKODE AMSOM, MALAPPURAM DISTRICT.**
 - 3. SAMEER.K., S/O.MUHAMMEDALI AGED 20 YEARS
THONIPPARAMB HOUSE, PERUVALLUR P.O.
MALAPPURAM - 673 638.**
 - 4. NAZEEH.P., AGED 21 YEARS,
S/O.ABDUL ASEES, PAMBADAN HOUSE, PULPATTA P.O.,
SHAPPINKUNNU, MANJERI 676 123.**
 - 5. MOHAMMED IQBAL, AGED 22 YEARS,
S/O.MAMMU, POOZHITHARA HOUSE, KURUGA P.O.,
EDARITHODU, KARUKATHANI, MALAPPURAM.**
 - 6. ANEES RAHMAN.A. AGED 19 YEARS
S/O.ABDU RAHIMAN, ALANAGADAN HOUSE, MELANGADI P.O.
MALAPPURAM 673 638.**
 - 7. SHARAF ALI, AGED 20 YEARS,
S/O.SAIDALAVI A.P., ANDATHODI HOUSE, PADIKKAL
VELIMUKKU P.O., MALAPPURAM DISTRICT, PIN: 676 317.**
 - 8. SHAHAD PAYAMBROBAN, AGED 21 YEARS,
S/O.HASSANKUTTY, SADIYA HOUSE, C.H.ROAD
ALINCHUVADU MUNNIYUR P.O., MALAPPURAM DISTRICT.**

BY ADV. SRI.S.KANNAN

RESPONDENTS/STATE AND DEFACTO COMPLAINANT :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM 682 031.**
- 2. THE SUB INSPECTOR OF POLICE, KARIPPOOR POLICE STATION
MALAPPURAM DISTRICT 673 647.**
- 3. SAYED
S/O.ABDUL KAREEM, THAYYIL VALIYAPULACKAL HOUSE
THENNALA, TIROORANGADI, MALAPPURAM DISTRICT
KERALA 676 306.**
- 4. NOUSHAD T.V.
S/O.MOIDEEN, THAYYIL VALIYAPULACKAL HOUSE THENNALA
TIROORANGADI, MALAPPURAM DISTRICT, KERALA 676 306.**

**R1 & R2 BY PUBLIC PROSECUTOR SRI. DHANESH MATHEW MANJOORAN
R3 & R4 BY ADV. SRI.K.M.FIROZ
BY ADV. SMT.M.SHAJNA**

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

bp

Crl.MC.No. 5029 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

- A1: A TRUE COPY OF THE FINAL REPORT IN CRIME NO.630/2014 OF KARIPPUR
POLICE STATION, MALAPPURAM.**
- A2: AFFIDAVIT SWORN BY RESPONDENT NO.3.**
- A3: AFFIDAVIT SWORN BY RESPONDENT NO.4.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE

bp

ALEXANDER THOMAS, J.

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Crl.M.C.No. 5029 of 2015

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Dated this the 6th day of August, 2015

ORDER

The petitioners herein are the accused in the impugned Anx.A-1 final report/charge sheet filed in Crime No.630/2014 of Karippur Police Station, registered for offences punishable under Secs.143, 147, 148, 341, 323, 324 read with Sec.149 of the I.P.C., at the instance of the 4th respondent herein, which has led to the institution of Calendar Case, C.C.No.41/2015 on the file of the Judicial First Class Magistrate's Court, Manjeri. It is stated that now the entire disputes between the petitioners on the one hand and respondents 3 and 4 on the other have been settled amicably and that respondents 2 and 3 have sworn to Anx.A-2 and A-3 affidavits before this Court, wherein it is stated that they have settled the entire disputes with the petitioners and that they have no objection for quashment of the impugned criminal proceedings pending against the petitioners herein. 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 final report/charge sheet filed in Crime No.630/2014 of Karippur Police Station, which has led to the institution of Calendar Case, C.C.No.41/2015 on the file of the Judicial First Class Magistrate's Court, Manjeri, 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