

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS**

**FRIDAY, THE 7TH DAY OF AUGUST 2015/16TH SRAVANA, 1937**

**Crl.MC.No. 5062 of 2015**  
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**CC 359/2015 OF JUDICIAL FIRST CLASS MAGIST. COURT, ANGAMALY  
CRIME NO. 705/2013 OF ANGAMALI POLICE STATION, ERNAKULAM**  
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**PETITIONERS/ACCUSED NOS. 1 & 2:**  
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1. SIJU @ THOPPIKILLI, AGED 35 YEARS,  
S/O NARAYANAN, KARIMPANACKAL, EDALAKATTU,  
THABORE, MOOKENNOOR.
2. NIDHIN @ KANNAN, AGED 24 YEARS,  
S/O MURALI, MADATHIL HOSUE, MOOKENNOOR.

**BY ADV. SRI.G.SANTHOSH KUMAR (P).**

**RESPONDENTS:**  
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1. GLOBY, AGED 37 YEARS,  
S/O GEORGE, PUTHUSSERY HOUSE, MOOKENNOOR-682020.
2. STATE OF KERALA,  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM-31.

**R1 BY ADV. SRI.V.A.AJIVAS  
R2 BY PUBLIC PROSECUTOR SRI.GITHESH**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 07-08-2015,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**PJ**

**Crl.MC.No. 5062 of 2015**  
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**APPENDIX**

**PETITIONER(S)' ANNEXURES**  
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**ANNEXURE I: TRUE COPY OF THE FIR IN CIRME NO.705/2013 OF ANGAMALY POLICE STATION.**

**ANNEXURE II: TRUE COPY OF THE CHARGE SHEET IN CRIME NO.705/2013 OF ANGAMALY POLICE STATION.**

**ANNEXURE III: TRUE COPY OF THE AFFIDAVIT SWORN BY THE IST RESPONDENT DATED 29.7.2015.**

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

**/ TRUE COPY /**

**P.S. TO JUDGE**

**PJ**

ALEXANDER THOMAS, J.

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Crl.M.C No.5062 of 2015

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Dated this the 7<sup>th</sup> day of August, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.705/2013 of Angamaly Police Station, registered under Sections 341, 323, 324 r/w 34 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 1<sup>st</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 against the petitioners.

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.705/2013 of Angamaly Police Station, including all further proceedings arising out of C.C.No.359/2015 on the file of the Judicial First Class Magistrate Court, Angamaly

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