

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937

Crl.MC.No. 5065 of 2015 ()

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CRIME NO. 912/2015 OF POOYAPALLY POLICE STATION, KOLLAM DISTRICT.**

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PETITIONERS/ACCUSED:

- 1. AJIN THAMPI, S/O.THAMPI, AGED 24 YEARS,
RESIDING AT PARAMKIMAMVILA VEEDU,
MARUTHAMPALLY, POOYAPALLY P.O.,
KOLLAM DISTRICT.**
- 2. AYANS ACHANKUNJU, S/O.ACHANKUNJU,
AGED 23 YEARS, KUROOMVILA VEEDU,
POOYAPALLY P.O., KOLLAM DISTRICT.**
- 3. JINU, S/O.JOY, AGED 25 YEARS,
RESIDING AT JINU BHAVAN, POOYAPALLY P.O.,
KOLLAM DISTRICT.**
- 4. BINU, S/O.BABU, AGED 25 YEARS,
PUNNAVILA VEEDU, POOYAPALLY P.O.,
KOLLAM DISTRICT.**
- 5. JOBIN, S/O.JOSEPH, AGED 23 YEARS,
NJARAVILA VEEDU, POOYAPALLY P.O.,
KOLLAM DISTRICT.**
- 6. JINS @ JILE, S/O.BABY, AGED 22 YEARS,
CHARUVILA PUTHEN VEEDU, MARUTHAMANPALLY,
POOYAPALLY P.O., KOLLAM DISTRICT.**
- 7. LIJO, S/O.JOHN, AGED 22 YEARS,
ALUVILA VEEDU, POOYAPALLY P.O.,
KOLLAM DISTRICT.**

**BY ADVS.SRI.S.SUDHEESHKAR,
SRI.NIDHI BALACHANDRAN.**

RESPONDENTS/COMPLAINANTS & STATE:

- 1. STATE OF KERALA,
REPRESENTED BY STATION HOUSE OFFICER,
POOYAPALLY POLICE STATION,
THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN-682 031.**
- 2. NIDARSH. M.V., S/O.MURALEEDHARAN PILLAI,
AGED 24 YEARS, ERATH VEEDU, MEEYANNOOR P.O.,
POOYAPPALLY, KOTTARAKKARA, KOLLAM-691 537.**
- 3. AMAL PRASAD, S/O.RAJENDRA PRASAD,
AGED 20 YEARS, CHARUVILA PUTHEN VEEDU,
POOYAPPALLY P.O., MARUTHAMONPALLY,
KOTTARAKKARA, KOLLAM-691 537.**
- 4. JISHNU MOHAN, S/O.MOHANA KURUP,
AGED 21 YEARS, VISHNU VILASAM,
MEEYANNOOR P.O., MEEYANNOOR,
POOYAPPALLY, KOTTARAKKARA, KOLLAM-691 506.**

**R1 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN.
R2 TO R4 BY ADV. SRI.B.MOHANLAL.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 11-08-2015, ALONG WITH CRL.MC. NO.5066 OF 2015 AND
CRL.MC. NO.5264 OF 2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

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| ANNEXURE 1 | COPY OF THE FIR WITH FIS IN CRIME NO.912/2015 OF POOYAPALLY POLICE STATION. |
| ANNEXURE 2 | COPY OF THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT REGARDING THE COMPROMISE DATED 01/08/2015. |
| ANNEXURE 3 | COPY OF THE AFFIDAVIT SWORN BY THE 3RD RESPONDENT REGARDING THE COMPROMISE DATED 01/08/2015. |
| ANNEXURE 4 | COPY OF THE AFFIDAVIT SWORN BY THE 4TH RESPONDENT REGARDING THE COMPROMISE DATED 01/08/2015. |

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

ALEXANDER THOMAS, J.

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Crl.M.C.Nos.5065, 5066 & 5264 of 2015

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Dated this the 11th day of August, 2015

O R D E R

The petitioners in Crl.M.C.5066/2015 and petitioner in 5264/2015 are accused 1 to 6 in Crime No.911/2015 of Pooyappally Police Station, Kollam district and the petitioners in Crl.M.C.No.5065/2015 are accused 1 to 7 in Crime No.912/2015 of Pooyappally Police Station, Kollam District. The former crime is said to be the main case in the matter and the latter crime pertains to the counter case. Both the case and counter case arising out of certain incidents which occurred during the conduct of a church procession which was going through the public road and the clash occurred between the rivals concerned on account of the alleged taking of photographs of some of the girls who participated in that rally. These incidents resulted in the registration of the aforestated crimes. The accused in both these respective crimes have settled the issues with the respective de facto complainants in those crimes and the petitioners in these Crl.M.Cs pray that the respective impugned criminal proceedings may be quashed on the ground of settlement

arrived at between the respective petitioners/accused and the respective de facto complainants concerned. Petitioners in Crl.M.C.No.5066/2015 are accused 1 to 4 and 6 in Crime No.911/2015 and petitioners in Crl.M.C.No.5264/2015 is accused No.5 in Crime No.911/2015, whereas the petitioners in Crl.M.C.No. 5065/2015 are the seven accused in Crime No.912/2015 of Pooyappally Police Station. In all these cases the respective de facto complainants concerned have sworn to affidavits stating that the entire disputes between the petitioners/accused concerned and the de facto complainants concerned have duly settled and that the respective de facto complainants have no objection whatsoever to quash the impugned criminal proceedings. It is in the light of these aspects that the petitioners have preferred the instant Criminal Miscellaneous Cases 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 these cases to consider the prayer for quashment.

Accordingly, it is ordered in the interest of justice that:-

- (i) In Crl.M.C.No.5066/2015 the impugned Anx.A-1 FIR in Crime No.911/2015 of Pooyappally Police Station, Kollam district, and all further proceedings arising therefrom pending against the petitioners therein stand quashed.
- (ii) In Crl.M.C.No.5264/2015 the impugned Anx.A-1 FIR in Crime No.911/2015 of Pooyappally Police Station, Kollam district, and all further proceedings arising therefrom pending against the petitioner therein stand quashed.
- (iii) In Crl.M.C.No.5065/2015 the impugned Anx.1 FIR in Crime No.912/2015 of

Pooyappally Police Station, Kollam district, and all further proceedings arising therefrom pending against the petitioners therein stand quashed.

With these observations and directions these Criminal Miscellaneous Cases stand finally disposed of.

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Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge