

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. 5069 of 2015

CRIME NO. 1409/2014 OF EZHUKONE POLICE STATION, KOLLAM

.....

PETITIONER(S)/ACCUSED:

1. **ANILKUMAR,**
S/O.RAGHAVAN, RC BHAVAN, KELANNUR CHEERY,
EZHUKONE, KOLLAM.
2. **RAJESH,**
S/O.VIJAYARAJU, KAKKANLAZHAIKATHUVEEDU, EZHUKONE,
KOLLAM.
3. **HARI,**
S/O.SURESH, KAYYILVEEDU, EZHUKONE,
KOLLAM.
4. **ABHIJITH,**
S/O.SURESH KUMAR, LEELA SADANAM, EZHUKONE,
KOLLAM.
5. **MADHULAL,**
S/O.MOHANAN, KODETHUVEEDU, EZHUKONE,
KOLLAM.

BY ADV. SRI.K.P.SUJESH KUMAR

RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT:

1. **STATE OF KERALA,**
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.
2. **SURESH,**
S/O.SURENDRAN, SURESH BHAVANAM, CHEERANKAVU,
EZHUKONE, KOLLAM.

R1 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN
R2 BY ADV. SMT.KEERTHI K.NARAYANAN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
07-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

msv/

Crl.MC.No. 5069 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A1- CERTIFIED COPY OF THE FIR IN CRIME NO.1409 OF 2014 OF
EZHUKONE POLICE STATION DATED 5.11.2014.**

**ANNEXURE A2- AFFIDAVIT SWORN TO BY THE SECOND RESPONDENT,
DATED 23.07.2015.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msv/

ALEXANDER THOMAS, J.

=====

CrI.M.C No.5069 of 2015

=====

Dated this the 7th day of August, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.1409/2014 of Ezhukone Police Station, registered under Sections 342, 294(b), 357, 323, 324 and 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 2nd 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 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.1409/2014 of Ezhukone Police Station, including all further proceedings 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

