

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. 5090 of 2015

SC 247/2015 OF II ADDITIONAL ASSISTANT SESSIONS COURT, THRISSUR.

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PETITIONER(S)/ACCUSED NO.1 TO 3:

1. LIMSON P.F., AGED 32, S/O. FRANCIS,
PAYYAPPILLY HOUSE, AVINISSERY P.O.,
THRISSUR-680 313.
2. HARIDAS K.K., AGED 46, S/O. KUMARAN,
KAIPPARA HOUSE, AVINISSERY P.O.,
THRISSUR-680 313.
3. ANILKUMAR P.K., AGED 41,
S/O. KUMARAN NAIR, VADAMKUTTIL HOUSE,
AVINISSERY P.O., THRISSUR-680 313.

BY ADV. SRI.E.VIJIN KARTHIK

RESPONDENT(S)/STATE OF KERALA AND DEFACTO COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.
2. BIJU @ MICHAEL, AGED 29, S/O. MATHEW,
PALIYEKKARA HOUSE, KAIPPARADESOM,
AVINISSERY VILLAGE, THRISSUR DISTRICT-680 313.

R1 BY PUBLIC PROSECUTOR SRI.GITHESH.R
R2 BY ADV. SRI.K.R.ARUN KRISHNAN

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 07-08-2015 ALONG WITH CRMC.5096/2015, THE COURT ON
THE SAME DAY PASSED THE FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEXURE A1 : **A TRUE COPY OF THE FIR NO.132/2011 OF NEDUPUZHA POLICE STATION, THRISSUR, DATED 21.2.2011.**

ANNEXURE A2 : **TRUE COPY OF THE CHARGE FILED UNDER SECTION 173 OF THE CR.P.C. DATED 26.6.2011.**

ANNEXURE A3 : **A TRUE COPY OF THE AFFIDAVIT OF SETTLEMENT SWORN BY THE DEFACTO COMPLAINANT/2ND RESPONDENT.**

RESPONDENTS' ANNEXURES: **NIL.**

//TRUE COPY//

P.S. TO JUDGE

mbr/

ALEXANDER THOMAS, J.

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Dated this the 7th day of August, 2015.

ORDER

The petitioners in Crl.M.C.No.5090/2015 are the accused in S.C.No.2472015 on the file of the II Additional Sessions Court, Thrissur, which arose out of the impugned Anx-A2 final report/charge sheet filed in Crime No.132/2011 of Nedupuzha Police Station, registered for offences punishable under Secs.143, 147, 148, 341, 323 & 326 r/w 149 IPC. The petitioners in Crl.M.C.No.5096/2015 are the accused in S.C.No.769/2011 on the file of the II Additional Sessions Court, Thrissur, which arose out of the impugned Anx-A2 final report/charge sheet filed in Crime No.131/2011 of Nedupuzha Police Station, registered for offences punishable under Secs.143, 147, 148, 341, 323, 324 & 308 r/w 149 IPC and Sec.27 of the Arms Act. Both these cases are registered on the basis of altercation of questioning with regard to groping of a girl. Now, it is submitted that the matter has been settled between the respective parties and the defacto complainants in the respective cases have sworn to their respective affidavits in both cases stating that the

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matter has been settled between the parties and the respective defacto complainants have stated that they have no objection in quashing the impugned criminal proceedings pending against the respective petitioners. It is in the light of these aspects that the petitioners have filed these Crl.M.Cs seeking the prayer for quashment of the impugned criminal proceedings.

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

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(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.

3. Accordingly, it is ordered in Crl.M.C.No.5090/2015 that the impugned Anx-A2 final report/charge sheet in Crime No.132/2011 of Nedupuzha Police Station and all further proceedings arising therefrom pending against the petitioners therein stand quashed under Sec.482 of the Code of Criminal Procedure. It is also ordered in Crl.M.C.No.5096/2015 that the impugned Anx-A2 final report/charge sheet filed in Crime No.131/2011 of Nedupuzha Police Station and all further proceedings arising therefrom pending against the petitioners therein stand quashed under Sec.482 of the Code of Criminal Procedure

With these observations and directions, these Crl.M.Cs stand finally disposed of.

ALEXANDER THOMAS,
Judge.

bkn/-