

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 10TH DAY OF AUGUST 2015/19TH SRAVANA, 1937

Crl.MC.No. 5101 of 2015 ()

CRIME NO. 403/2014 OF SHORNUR POLICE STATION, PALAKKAD

PETITIONER/ACCUSED :

**V.SREEDHARAN, AGED 62 YEARS,
S/O. KUNJI KANNAN, PALUTHODY VEEDU, KAILIYAD P.O.
SHORNUR VILLAGE, PALAKKAD DISTRICT.**

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENTS/STATE AND COMPLAINANT :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM -682 031.**
- 2. SUB INSPECTOR OF POLICE,
SHORNUR POLICE STATION, PALAKKAD DISTRICT - 673009.**
- 3. N. BHASHEER,S/O. LATE KUNHAYAMU HAJI,
NEDIYEDATH HOUSE, KURUVATOOR,
VALLAPPUZHA, SHORANUR, PALAKKAD DISTRICT.**

**R1 & R2 BY PUBLIC PROSECUTOR SRI. DHANESH MATHEW MANJOORAN
R3 BY ADV. SRI.DINESH MATHEW J.MURICKEN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 10-08-2015 ALONG WIT CRL.M.C.5192/2015, THE COURT ON
THE SAME DAY PASSED THE FOLLOWING:**

bp

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APPENDIX

PETITIONER'S ANNEXURES :

ANNEXURE A1: COPY OF THE FIR IN CRIME NO. 403/2014 OF SHORNUR POLICE STATION.

ANNEXURE A2: AFFIDAVIT OF THE R3.

RESPONDENT'S ANNEXURES : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

ALEXANDER THOMAS, J.

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Dated this the 10th day of August, 2015.

ORDER

The petitioner in Crl.M.C.No.5101/2015 is the sole accused in the impugned Anx-A1 FIR in Crime No.403/2014 of the Shornur Police Station, registered for offences punishable under Secs.463, 464, 465, 468 & 471 of the IPC. The petitioners in Crl.M.C.No.5192/2015 are the accused in the impugned Anx-A1 FIR in Crime No.328/015 of Shornur Police Station, registered for offences alleged under Secs.323, 324 & 506(i) r/w 34 IPC. Both these cases arose out a dispute in connection with running of a medical shop. Now, it is submitted that the matter has been settled between the respective parties and the defacto complainant/s in the respective cases have sworn to Anx-A2 affidavit in both cases stating that the 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

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against the respective petitioner/s. 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)

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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.

3. Accordingly, it is ordered in Crl.M.C.No.5101/2015 that the impugned Anx-A1 FIR in Crime No.403/2014 of Shornur Police Station and all further proceedings arising therefrom pending against the petitioner therein stand quashed under Sec.482 of the Code of Criminal Procedure. It is also ordered in Crl.M.C.No.5192/2015 that the impugned Anx-A1 FIR in Crime No.328/2015 of Shornur 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/-