

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

Crl.MC.No. 5102 of 2015

CRIME NO. 333/2015 OF SHORNUR POLICE STATION, PALAKKAD DISTRICT.
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PETITIONER/ACCUSED:

**SREEJAYAN, AGED 40 YEARS,
S/O. SREEDHARAN, PALUTHODY VEEDU,
KAILIYAD P.O., SHORANUR VILLAGE,
PALAKKAD DISTRICT.**

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENT(S)/STATE AND COMPLAINANT:

- 1. STATE OF KERALA, REPRESENTED BY
THE DIRECTOR OF PUBLIC PROSECUTIONS,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. SUB INSPECTOR OF POLICE,
SHORNUR POLICE STATION,
PALAKKAD DISTRICT - 673 009.**
- 3. N. BHASHEER, S/O. LATE KUNJAYAMU HAJI,
NEDIYEDATH HOUSE, KURUVATTOOR,
VALLAPPUZHA, SHORANUR,
PALAKKAD DISTRICT- 673 009.**

**R1 & R2 BY PUBLIC PROSECUTOR SRI.GITHESH.R
R3 BY ADV. SRI.DINESH MATHEW J.MURICKEN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 12-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A1 : TRUE COPY OF THE F.I.R. IN CRIME NO.333/2015 OF SHORNUR
POLICE STATION.

ANNEXURE A2 : TRUE COPY OF THE AFFIDAVIT OF THE 3RD RESPONDENT.

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C.No.5102 of 2015
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Dated this the 12th day of August , 2015

O R D E R

The petitioner herein is the accused in the impugned Anx.A-1 FIR in Crime No.333/2015 of Shornur Police Station, Palakkad district, registered for offences punishable under Secs.379 & 447 of IPC. It is stated that now the entire disputes between the petitioner and the 3rd respondent de facto complainant have been settled amicably and that the 3rd respondent has sworn to Anx.A-2 affidavit before this Court, wherein it is stated that he has settled the entire disputes with the petitioner and that he has no objection for quashment of the impugned criminal proceedings pending against the petitioner. It is in the light of these aspects that the petitioner has preferred the instant Crl.M.C with the prayer to quash the impugned criminal proceedings against him.

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, it is ordered in the interest of justice that the impugned Anx.A-1 FIR in Crime No.333/2015 of Shornur Police Station, Palakkad district and all further proceedings arising therefrom pending against the petitioner stands quashed.

With these observations and directions this Crl.M.C. stands finally disposed of.

Sd/-
ALEXANDER THOMAS, JUDGE

AVS