

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

Crl.MC.No. 3966 of 2014

**CC 1953/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT -I,
THIRUVANANTHAPURAM.
CRIME NO. 1027/2013 OF MANNANTHALA POLICE STATION, THIRUVANANTHAPURAM.**
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PETITIONER(S)/ACCUSED 1 TO 4:

- 1. REJIKRISHNAN @ ANIYAN PILLAI, AGED 26 YEARS,
S/O. RADHAKRISHNAN, URUKONATHU VEEDU, PNR AA-43,
NEAR REVATHY BUILDING, MANNANTHALA WARD,
ULLOOR VILLAGE, THIRUVANANTHAPURAM. (A1)**
- 2. HARILAL @ CHACKU HARILAL, AGED 49 YEARS,
PONNAPPAN NAIR, RESIDING AT KUNJUMAILAPPALLI,
KERALADITHYAPURAM, POWDIKKONAM WARD,
ULIYATHURA VILLAGE, THIRUVANANTHAPURAM. (A2).**
- 3. SHAJI @ THORAPPAN SHAJI, AGED 32 YEARS,
S/O. APPUKUTTAN, KUZHIKKOTTUKONAM VEEDU,
NALANCHIRA STEP JUNCTION, NALANCHIRA WARD,
KUDAPPANAMKUNNU VILLAGE, THIRUVANANTHAPURAM. (A3).**
- 4. DILEEP, AGED 27 YEARS, APPUKUTTAN NAIR,
KANNAMKONATTU VEEDU, PNRA-63,
NEAR MANNANTHALA PRESS, MANNANTHALA WARD,
ULLOOR VILLAGE, THIRUVANANTHAPURAM. (A4).**

**BY ADVS.SRI.SASTHAMANGALAM S. AJITHKUMAR
SRI.V.S.THOSHIN**

RESPONDENT(S)/DEFACTO COMPLAINANTS:

- 1. THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
THROUGH SUB INSPECTOR OF POLICE,
MANNANTHALA POLICE STATION
THIRUVANANTHAPURAM-695 001.**

Crl.MC.No. 3966 of 2014

**2. SHAIJU, AGED 19 YEARS, S/O. BABU,
RESIDING AT VAISHNAVAM, VADAKEVILAKAM,
MANNANTHALA P.O., THIRUVANANTHAPURAM-695 011.**

**R1 BY PUBLIC PROSECUTOR SRI.GITHESH.P
R2 BY ADV. SRI.T.K.BABU**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 13-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEXURE A : THE CERTIFIED COPY OF THE FINAL REPORT IN CC NO.1953 OF 2013 REGISTERED BY THE MANNANTHALA POLICE STATION, THIRUVANANTHAPURAM, PENDING ON THE FILE OF THE HON'BLE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, THIRUVANANTHAPURAM.

ANNEXURE B : THE TRUE COPY OF THE NOTARIZED AFFIDAVIT OF THE 2ND 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.3966 of 2014

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Dated this the 13th day of July, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.1027 of 2013 of Mannanthala Police Station, Thiruvananthapuram registered under Sections 323, 294(b), 506(ii) and 34 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 grievance or complaint and he has no objection for quashment of the impugned criminal proceedings pending against the petitioners.

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.1027 of 2013 of Mannanthala Police Station, Thiruvananthapuram, including all further proceedings arising out of C.C.No.1953 of 2013 on the file of the Judicial First Class Magistrate Court-I, Thiruvananthapuram 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