

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. 5170 of 2015

CRIME NO. 369/2015 OF SASTHAMCOTTA POLICE STATION, KOLLAM
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PETITIONER(S)/ACCUSED 1 TO 4:

1. AKHIL RAJ, AGED 22 YEARS,
S/O.RAVEENDRAN, 'SAHITHI', PALLISSERIKAL P.O.,
SASTHAMCOTTA VILLAGE, KOLLAM DISTRICT.
2. VIJO JOSEPH, AGED 23 YEARS,
S/O.JOSEPH, KALLUVILAYIL STAR HOUSE, PALLISSERIKAL P.O.,
SASTHAMCOTTA VILLAGE, KOLLAM DISTRICT.
3. VINCE JOSEPH, S/O.JOSEPH AGED 22 YEARS,
KALLUVILAYIL STAR HOUSE, PALLISSERIKAL P.O.,
SASTHAMCOTTA VILLAGE, KOLLAM DISTRICT.
4. BIJESH KRISHNAN, AGED 22 YEARS,
S/O.GOPALAKRISHNAN, BIJESH BHAVANAM,
SASTHAMCOTTA VILLAGE, KOLLAM DISTRICT.

BY ADV. SRI.P.V.DILEEP

RESPONDENT(S)/STATE & COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERAL, ERNAKULAM.
2. LOJO LORENSE, S/O.LORENSE, AGED 23 YEARS,
LEELA BHAVANAM, MANAKKARA MURI, SASTHAMCOTTA VILLAGE,
KUNNATHOOR THALUK, KOLLAM DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
SASTHAMCOTTA POLICE STATION, KOLLAM DISTRICT.

R1 & R3 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN
R2 BY ADV. SRI.DINESH THANKAPPAN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
10-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

msv/

Crl.MC.No. 5170 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A- A TRUE COPY OF F.I.R IN CRIME NO.369/2015 OF SASTHAMCOTTA
POLICE STATION IN KOLLAM DISTRICT.**

ANNEXURE B- NOTARIZED AFFIDAVIT OF THE 2ND RESPONDENT

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

ALEXANDER THOMAS, J.

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CrI.M.C No.5170 of 2015

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Dated this the 10th day of August, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.369/2015 of Sasthamcotta Police Station, registered under Sections 143, 147,148, 324, 326, 308 r/w 149 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.369/2015 of Sasthamcotta Police Station, including all further proceedings on the file of the Judicial First Class Magistrate Court, Sasthamcotta 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

