

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

Crl.MC.No. 5224 of 2015 ()

CRIME NO. 1127/2015 OF NEMOM POLICE STATION, THIRUVANANTHAPURAM

PETITIONERS/ACCUSED 1, 2 AND 3 :

- 1. ARUN VIKRAMAN
AGED 26 YEARS, S/O.VIKRAMAN,
ANU SADANAM, CHAVANICHI VILA
ESTATE P.O., SATHYA NAGAR, NEMOM VILLAGE
THIRUVANANTHAPURAM - 695 019.**
- 2. SHYJU T.S.,
AGED 27 YEARS, S/O.LATE THANKAPPAN,
MULAVOORKUNNU VEEDU, STADIUM
SATHYA NAGAR, ESTATE P.O., NEMOM VILLAGE
THIRUVANANTHAPURAM - 695 019.**
- 3. GIREESH C.,
AGED 27 YEARS, S/O.CHANDRAN, GEETHA BHAVAN
CHAVANICHI VILA, ESTATE P.O., SATHYA NAGAR
NEMOM VILLAGE, THIRUVANANTHAPURAM - 695 019.**

BY ADV. SRI.AYYAPPAN SANKAR

RESPONDENTS/STATE, INVESTIGATING OFFICER AND DE-FACTO COMPLAINANT :

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM -682 031.**
- 2. SUB INSPECTOR OF POLICE
NEMOM POLICE STATION
NEMOM P.O.,THIRUVANANTHAPURAM - 695 019.**
- 3. SARATH KUMAR A.S.,
AGED 20 YEARS, S/O.AYYAPPAN R., RESIDING AT A.S.BHAVAN
ARUVAKKODU, ESTATE WARD, NEMOM VILLAGE
THIRUVANANTHAPURAM-695 018.**

**R1 & R2 BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN
R3 BY ADV. SRI.LIJU M.P.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 19-08-2015, ALONG WITH CRL.M.C NO. 5570/2015, THE COURT ON THE
SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONERS' ANNEXURES :

- ANNEXURE-1:** TRUE PHOTOCOPY OF NOTICE OF DYFI, SATHYA NAGAR STADIUM UNIT CONFERENCE HELD ON 7.6.2015.
- ANNEXURE-2:** TRUE PHOTOCOPY OF BROCHURE OF THE PROGRAMME "PADANOLSAVAM" SCHEDULED TO BE HELD ON 4.7.2015.
- ANNEXURE-3:** CERTIFIED TRUE COPY OF THE F.I.R AND FIRST INFORMATION STATEMENT IN CRIME NO.1127/2015 OF NEMOM POLICE STATION, THIRUVANANTHAPURAM.
- ANNEXURE-4:** ORIGINAL AFFIDAVIT SWORN BY 3RD RESPONDENT AND ATTESTED BY NOTARY PUBLIC.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

ALEXANDER THOMAS, J.

Crl.M.C.Nos.5224 & 5570 Of 2015

Dated this the 19th day of August, 2015.

ORDER

The petitioners in Crl.M.C.No.5224/2015 are the accused Nos.1 to 3 and the petitioner in Crl.MC.No.5570/2015 is the 4th accused in the impugned FIR in Crime No.1127/2015 of Nemom Police Station, Thiruvananthapuram, registered for offences punishable under Secs.143, 147, 149, 3223, 324, 506(ii) & 308 IPC. The case was registered by the 3rd respondent, who is the defacto complainant, on the basis of altercation occurred due to difference of opinion in the conduct of Padanolsavam scheduled on 4.7.2015. Now, it is submitted that the matter has been settled between the petitioners in both cases and the 3rd respondent (defacto complainant in both cases) and that the 3rd respondent has sworn to Anx-4 affidavit in Crl.M.C.No.5224/2015 and Anx-A2 affidavit in Crl.M.C.No.5570/2015 stating that the matter has been settled and that he has no objection in quashing the impugned

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criminal proceedings pending against the petitioners. It is in the light of these aspects that the petitioners have filed these CrI.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

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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.

3. Accordingly, it is ordered in the interest of justice that the impugned Anx-3 FIR in Crl.M.C.No.5224/2015 and Anx-1 FIR in Crl.M.C.No.5570/2015 in Crime No.1127/2015 of Nemom Police Station, Thiruvananthapuram, and all further proceedings arising therefrom pending against the petitioners in both these Crl.M.Cs 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/-