

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

Cri.MC.No. 5240 of 2015

**C.C.NO.154/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-1,
PEERUMEDE
CRIME NO. 604/2014 OF WAGAMON POLICE STATION , IDUKKI DISTRICT**

PETITIONER(S)/ACCUSED A1-A8 :

- 1. TONY, AGED 26 YEARS,
S/O.RAJU, MOORIKULAM HOUSE, KAPPIPATHAL BHAGAM,
PASUPARA, WAGAMON VILLAGE, IDUKKI.**
- 2. DANY @ DANIAL, AGED 23 YEARS,
S/O.ESHAYA, BATHEL HOUSE, KAPPIPATHAL BHAGAM,
PASUPARA, WAGAMON VILLAGE, IDUKKI.**
- 3. PAVIN VARGHESE, AGED 25 YEARS,
S/O.VARGHESE, PALLIPPARAMBIL HOUSE, KAPPIPATHAL BHAGAM,
PASUPARA, WAGAMON VILLAGE, IDUKKI.**
- 4. BINESH, AGED 24 YEARS,
S/O.VARGHESE, CHERUKARA PUTHENPURAKKAL,
KAPPIPATHAL BHAGAM, PASUPARA, WAGAMON VILLAGE, IDUKKI.**
- 5. VIVEK @ ANANTHU, AGED 23 YEARS,
S/O.SUNNY @ THANKACHAN, ENADATHIL HOUSE,
KATTADIKAVALA BHAGAM, PASUPARA, WAGAMON VILLAGE, IDUKKI.**
- 6. MANIKANDAN AGED 26 YEARS,
S/O.KURUPPUSWAMY, MANICKALPARAMBIL HOUSE,
KAPPIPATHAL BHAGAM, PASUPARA, WAGAMON VILLAGE, IDUKKI.**
- 7. RAJKUMAR, AGED 25 YEARS,
S/O.KURUPPUSWAMY, RADHIKA BHAVAN, KAPPIPATHAL BHAGAM,
PASUPARA, WAGAMON VILLAGE, IDUKKI.**
- 8. RINU, AGED 25 YEARS,
S/O.KURIAKOSE, PARAMBIL VEEDU, OFFICE BHAGATHU,
ELAPPARA KARA, ELAPPARA VILLAGE.**

**BY ADVS.SRI.SAIBY JOSE KIDANGOOR
SRI.BENNY ANTONY PAREL
SRI.LAIJU RAM
SMT.S.SIBHA
SRI.MATHEWS RAJU
SRI.P.M.MOHAMMED SALIH**

CrI.MC.No. 5240 of 2015

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT :

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. ANEESH, AGED 31 YEARS,
S/O.JOSE, MOOZHAYIL VEETIL, KIZHAKKE CHEVANNA BHAGAM,
KARINCHANTHIKARA, ELAPPARA VILLAGE-685 501.**
- 3. RAJESH, AGED 25 YEARS,
S/O.RAVEENDRAN, POURNAMI VEETIL, VAIPOOR VILLAGE,
PATHANAMTHITTA DISTRICT-689 586.**

**R1 BY PUBLIC PROSECUTOR SRI.R.GITHESH
R2 & R3 BY ADV. SRI.K.ANAND**

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

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A : CERTIFIED COPY OF THE FIR IN CRIME 604/2014
DATED 26-12-2014 OF WAGAMON POLICE STATION, IDUKKI.**

**ANNEXURE B : CERTIFIED COPY OF THE FINAL REPORT IN CRIME 604/14
OF WAGAMON POLICE STATION, IDUKKI.**

**ANNEXURE C : TRUE COPY OF THE AFFIDAVIT FILED BY
THE 2ND RESPONDENT DATED 06-08-2015.**

**ANNEXURE D : TRUE COPY OF THE AFFIDAVIT FILED BY
THE 3RD RESPONDENT DATED 06-08-2015.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

Crl.M.C.No.5240 Of 2015

Dated this the 12th day of August, 2015.

ORDER

The petitioners are the accused Nos.1 to 8 in the impugned Anx-B Final Report/Charge Sheet filed in Crime No.604/2014 of Wagamon Police Station, Idukki, registered for offences under Secs.143, 144, 148, 323, 324, 294(b), 427 & 448 r/w 149 IPC, which is now pending as C.C.No.154/2015 on the file of the Judicial First Class Magistrate Court-I, Peerumade. Now, it is submitted that the matter has been settled between the petitioners and respondents 2 & 3 (defacto complainants) and that the respondents 2 & 3 have sworn to Anxs-C & D affidavits stating that the matter has been settled with the petitioners and that they have no objection in quashing the impugned criminal proceedings pending against the petitioners. It is in the light of these aspects that the petitioners have filed this Crl.M.C seeking the prayer for quashment of the impugned criminal proceedings.

Cr1.M.C.No.5240 Of 2015

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) 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.

Cr1.M.C.No.5240 Of 2015

3. Accordingly, it is ordered in the interest of justice that the impugned Anx-B Final Report/Charge Sheet filed in Crime No.604/2014 of Wagamon Police Station, Idukki, which is now pending as C.C.No.154/2015 on the file of the Judicial First Class Magistrate Court-I, Peerumade and all further proceedings arising therefrom pending against the petitioners herein stand quashed under Sec.482 of the Code of Criminal Procedure.

With these observations and directions, this Cr1.M.C stands finally disposed of.

ALEXANDER THOMAS,
Judge.

bkn/-