

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. 5271 of 2015 ()

CRIME NO. 1022/2014 OF CHANDERA POLICE STATION , KASARGOD DISTRICT

PETITIONER(S)/AUUSED:

1. **SUJESH.T., S/O T.V. THAMBAN, AGED 34 YEARS,
THADIYANKOVAL, ODINOOR P.O.,
PIN-671 310, KASARGOD DISTRICT.**
2. **RAJESH E.K, S/O.KUNHAMBU E.K,
THADIYANKOVAL, ODINOOR P.O.,
PIN-671 310, KASARGOD DISTRICT.**

BY ADV. SRI.SUNNY MATHEW

RESPONDENT(S)/COMPLAINANT & STATE:

1. **ABHILASH,
S/O HEMACHANDRAN,AGED 24 YEARS,
RESIDING AT CHUNDIYIL HOUSE,
PEELIKODE, KASARGOD DISTRICT -671 121**
2. **THE SUB INSPECTOR OF POLICE,
CHANDERA POLICE STATION,
KASARAGODU DISTRICT-671 121**
3. **STATE OF KERALA,
(RESPONDENTS 2 & 3 REPRESENTD BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031**

R1 BY ADV. SRI.C.C.ANOOP

R2 & R3 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN

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

sts

Crl.MC.No. 5271 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX A1: TRUE COPY OF THE FIRST INFORMATION REPORT IN
CRIME NO. 1022/14 OF THE CHANDERA POLICE STATION**

**ANNEX A2: TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE 1ST
RESPONDENT**

RESPONDENT(S)' ANNEXURES: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

ALEXANDER THOMAS, J.

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Crl.M.C.No.5271 Of2015

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Dated this the 12th day of August , 2015

O R D E R

The petitioners herein are the accused in the impugned Anx.AI FIR in Crime No.1022/2014 of Chandra Police Station, Kozhikode district, registered for offences punishable under Secs.120B and 420 r/w Section 34 of IPC. It is stated that now the entire disputes between the petitioners and the 1st respondent de facto complainant have been settled amicably and that the 1st respondent has sworn to Anx.A2 affidavit before this Court, wherein it is stated that he has settled the entire disputes with the petitioners and that he has no objection for quashment of the impugned criminal proceedings pending against the petitioners. It is in the light of these aspects that the petitioners have preferred the instant Crl.M.C with the prayer to quash the impugned criminal proceedings against them.

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.A1 FIR in Crime No.1022/2014 of Chandra Police Station, Kasaragod district and all further proceedings arising therefrom pending against the petitioners stand quashed.

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

Sd/-
ALEXANDER THOMAS, JUDGE