

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

CrI.MC.No. 5287 of 2015 ()

CC.NO. 22/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT.-II, ATTINGAL
CRIME NO. 235/2013 OF MANGALAPURAM POLICE STATION, THIRUVANANTHAPURAM

PETITIONERS/ACCUSED 1 TO 12 :

1. PRAVEEN
AGED 29 YEARS, S/O SATHYAPALAN,
MATHANDAMVILAKOM HOUSE
KARICHARA, PALLIPURAM VILLAGE
THIRUVANANTHAPURAM DISTRICT.
2. SUDHEER
AGED 27 YEARS,
S/O. IBRAHIM, THEKKETHIL VEETIL,
NEAR PARIKKARI TEMPLE
KARICHARA, PALLIPURAM VILLAGE
THIRUVANANTHAPURAM DISTRICT.
3. UNNIKRISHNAN,
AGED 23 YEARS, S/O. HARIDASAN,
MANAKKATTIL HOUSE, KARICHARA
PALLIPURAM VILLAGE,
THIRUVANANTHAPURAM DISTRICT
4. SREEJITH
AGED 21 YEARS, S/O DEVARAJAN,
MANAKKATTIL HOUSE, KARICHARA
PALLIPURAM VILLAGE,
THIRUVANANTHAPURAM DISTRICT
5. HARILAL
AGED 25 YEARS, S/O. HARIDASAN,
MANAKKATTIL HOUSE, KARICHARA
PALLIPURAM VILLAGE,
THIRUVANANTHAPURAM DISTRICT.
6. PRAVEEN
AGED 25 YEARS, S/O. PRADEEPAN,
KUNNUVILA HOUSE, KARICHARA
PALLIPURAM VILLAGE,
THIRUVANANTHAPURAM DISTRICT.

7. SAJEER
AGED 25 YEARS, S/O IBRAHIM,
THEKKETHIL VEETIL, NEAR PARIKKARI TEMPLE
KARICHARA, PALLIPURAM VILLAGE
THIRUVANANTHAPURAM DISTRICT.
8. RAHUL
AGED 21 YEARS, S/O. RAJU,
MANAKKATTIL HOUSE, KARICHARA
PALLIPURAM VILLAGE,
THIRUVANANTHAPURAM DISTRICT.
9. VIMAL
AGED 21 YEARS, S/O. LANJU,
KUNNUVILA HOUSE, KARICHARA
PALLIPURAM VILLAGE,
THIRUVANANTHAPURAM DISTRICT
10. SHAIJU
AGED 29 YEARS, S/O. BABU,
MANAKKATTIL HOUSE, KARICHARA
PALLIPURAM VILLAGE,
THIRUVANANTHAPURAM DISTRICT
11. SAJIN
AGED 25 YEARS, S/O RAJENDRAN,
CHIRAKKAL CHARUVILAKATHU VEETIL
PPUTHENTHOPPU, KADINAMKULAM VILLAGE
THIRUVANANTHAPURAM DISTRICT.
12. SHAMEER
AGED 24 YEARS, S/O. TAJUMUDEEN,
SHAMEER MANZIL, CHITTATTUMUKKU
PUTHENTHOPPU, KADINAMKULAM VILLAGE
THIRUVANANTHAPURAM DISTRICT

BY ADV. SRI. P. ANOOP (MULAVANA)

RESPONDENTS/STATE, DEFACTO COMPLANANT :

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1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
 2. MURUGAN
AGED 35 YEARS, S/O SADASIVAN,
APPOLO COLONY, VALIYAVEETTU MURI
PALLIPPURAM VILLAGE,
THIRUVANANTHAPURAM DISTRICT.

R1 BY PUBLIC PROSECUTOR SMT. P. MAYA
R2 BY ADV. SRI. LOWEL CHERIAN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 18-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 5287 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A1: TRUE COPY OF THE FINAL REPORT IN CC.NO. 22/14 OF
JUDICIAL FIRST CLASS MAGISTRATE COURT-II, ATTINGAL
ARISING FROM CRIME NO. 235/13 OF THE MANGALAPURAM
POLICE STATION, THIRUVANANTHAPURAM DISTRICT.**

ANNEXURE A2: AFFIDVIT FILED BY THE 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURES :

//TRUE COPY//

P.A. TO JUDGE

Mn

ALEXANDER THOMAS, J.

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Dated this the 18th day of August, 2015.

ORDER

The petitioners herein are the accused Nos.1 to 12 in impugned Anx-A1 final report/charge sheet filed in Crime No.235/2013 of Mangalapuram Police Station, registered for offences alleged under Secs.143, 147, 148, 324 & 427 of the IPC and Sec.27 of the Arms Act, which is now pending as C.C.No.22/2014 on the file of the Judicial First Class Magistrate Court-II, Attingal. The prosecution case is that the accused persons attacked the defacto complainant and caused damage to his autorickshaw and thus committed the offences. Now, it is submitted that the matter has been settled between the petitioners and the 2nd respondent (defacto complainant) and that the 2nd respondent has sworn to Anx-A2 affidavit stating that the matter has been compromised and settled and that he has no objection in quashing the impugned criminal proceedings pending against the petitioners. It is in the light of these aspects that the petitioners

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have filed this Crl.M.C 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 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

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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-A1 final report/charge sheet filed in Crime No.235/2013 of Mangalapuram Police Station, which is now pending as C.C.No.22/2014 on the file of the Judicial First Class Magistrate Court-II, Attingal, 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 CrI.M.C stands finally disposed of.

ALEXANDER THOMAS,
Judge.

bkn/-