

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

Crl.MC.No. 5303 of 2015

SC 161/2014 OF ASSISTANT SESSIONS COURT, KOCHI

PETITIONER(S)/ACCUSED:

**MAJEED, AGED 53 YEARS,
S/O. SHOUKATH, MALIAKKAL HOUSE, CC VII/1019,
KAPPALANDY MUKKU, MATTANCHERY, ERNAKULAM.**

BY ADV. SRI.K.P.MADHU

RESPONDENT(S)/DEFACTO COMPLAINTANT/STATE:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-31.**
- 2. P.N SIYAD, AGED 35 YEARS,
S/O. NOORUDEEN, KALLUCHIRA HOUSE,
KACHERIPPADY, PALLURUTHY, ERNAKULAM-682006.**
- 3. P N SALIM, AGED 38 YEARS,
S/O. NOORUDEEN, KALLUCHIRA HOUSE,
KACHERIPPADY, PALLURUTHY, ERNAKULAM-682006.**

**R1 BY PUBLIC PROSECUTOR SRI. GITHESH
R2,3 BY ADV. SRI.ABDUL JALEEL.A**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 13-08-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

Crl.MC.No. 5303 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE A1 CHARGE SHEET FILED IN SC 161/2014 BEFORE THE ASSITANT
SESSION COURT,KOCHI**

ANNEXURE A2 AFFIDAVIT BY SIYAD CW 2 SC 161/2014

ANNEXURE A3 AFFIDAVIT BY SALIM CW 1 IN SC 161/2014

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.

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Crl.M.C.No.5303 of 2015

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Dated this the 13th day of August, 2015

O R D E R

The petitioner herein is the accused in the impugned Anx.A-I final report/charge sheet filed in Crime No.195/2012 of Mattancherry Police Station, registered for offence punishable under Sec.307 of the I.P.C., at the instance of the 2nd respondent defacto complainant, which has led to the institution of Sessions Case, S.C.No.161/2014 on the file of the Assistant Sessions Court, Kochi. It is stated that now the entire disputes, which have led to the registration of the aforestated crime, between the petitioner on the one hand and respondent 2 and 3 on the other have been settled amicably and that respondents 2 and 3 have sworn to Anxs.A-2 and A-3 affidavits before this Court, wherein it is stated that they have settled the entire disputes with the petitioner herein and that they have no objection for quashment of the impugned criminal proceedings pending against the petitioner. It is in the light of these aspects that the petitioner has preferred the instant Crl.M.C. with

the prayer to quash the impugned criminal proceedings against him.

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. Accordingly, it is ordered in the interest of justice that the

impugned Anx.A-I final report/charge sheet filed in Crime No.195/2012 of Mattancherry Police Station, which has led to the institution of Sessions Case, S.C.No.161/2014 on the file of the Assistant Sessions Court, Kochi, and all further proceedings arising therefrom pending against the petitioner herein stand quashed.

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

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge