

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 17TH DAY OF AUGUST 2015/26TH SRAVANA, 1937

Crl.MC.No. 5347 of 2015

**L.P.NO.25/2013(CC 1218/2005) OF JUDICIAL FIRST CLASS MAGISTRATE COURT -II,
ERNAKULAM.
CRIME NO. 1118/2005 OF ERNAKULAM CENTRAL POLICE STATION, ERNAKULAM.**
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PETITIONER/ACCUSED:

**SAJU.K.G, AGED 48,
S/O.K D GEORGE, KIZHAVANA HOUSE,
SYRIAN CHURCH ROAD, ERNAKULAM,
COCHIN - 31.**

**BY ADVS.SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN
SRI.BENOJ C AUGUSTIN
SRI.VISHNU BHUVANENDRAN**

RESPONDENTS/STATE/DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. PAUL I.A ALIAS PAUL ILICKAL,
S/O.AUGUSTINE, ILICKAL HOUSE,
SOUTH OF ST.FRANCIS ASSISSE CATHEDRAL CHURCH,
ERNAKULAM, COCHIN - 31.**

**R1 BY PUBLIC PROSECUTOR SMT.P.MAYA
R2 BY ADV. SRI.C.U.SANGEETH**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 17-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEXURE I: CERTIFIED COPY OF FIR DATED 19/11/2005.**
- ANNEXURE II: CERTIFIED COPY OF THE FINAL REPORT DATED 5/12/2005.**
- ANNEXURE III: ORIGINAL OF THE COMPROMISE AFFIDAVIT FILED BY THE
DEFACTO COMPLAINANT.**

RESPONDENT(S)' ANNEXURES: **NIL**

//TRUE COPY//

P.S. TO JUDGE

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ALEXANDER THOMAS, J.

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Dated this the 17th day of August, 2015.

ORDER

The petitioner is the sole accused in the impugned Anx-II Final Report/Charge Sheet filed in Crime No.1118/2005 of Central Police Station, Ernakulam, registered for offences alleged under Secs.447 & 506(i) r/w 34 IPC, which is now pending as L.P.No.25/2013 (C.C.No.1218/2005) on the file of the Judicial First Class Magistrate Court-II, Ernakulam. The prosecution allegation is that the accused threatened the 2nd respondent (defacto complainant) in connection with activities of a club and thus committed the offence. Now, it is submitted that the matter has been settled between the petitioner and the 2nd respondent (defacto complainant) and that the 2nd respondent has sworn to Anx-III affidavit stating that the matter has been settled between the petitioner and that he has no objection in quashing the impugned criminal proceedings pending against the petitioner. It is in the

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light of these aspects that the petitioner has 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*

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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-II final report/charge sheet filed in Crime No.1118/2005 of Central Police Station, Ernakulam, which is now pending as L.P.No.25/2013 (C.C.No.1218/2005) on the file of the Judicial First Class Magistrate Court-II, Ernakulam and all further proceedings arising therefrom pending against the petitioner herein stand quashed under Sec.482 of the Code of Criminal Procedure.

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

ALEXANDER THOMAS,
Judge.

bkn/-