

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. 5352 of 2015

CRIME NO. 692/2015 OF MANANTHAVADY POLICE STATION , WAYANAD

PETITIONER(S)/ACCUSED :

- 1. SHAFEEQUE E.P., AGED 38 YEARS,
S/O.ISMAIL, SAMEERAS HOUSE, MAPMARAM,
KANNUR DISTRICT.**
- 2. LATHEEF A.P., AGED 38 YEARS,
S/O.ABOOBACKER, AREEKKAPPURATH (H),
PANDIKKADAVU, MANANTHAVADY.**
- 3. RASHEED, AGED 38 YEARS,
S/O.AMMED, KOROKKARAN (H), MANANTHAVADY.**
- 4. MUSTAFA T.A., AGED 35 YEARS,
S/O.ABDUL JABBAR, CHENNALAYI (H),
VEMOM (P.O), ONDAYANGADI, MANANTHAVADY.**

BY ADV. SRI.K.DILIP

RESPONDENT(S)/COMPLAINANT AND STATE OF KERALA :

- 1. THE STATE OF KERALA,
REP. BY THE SUB INSPECTOR OF POLICE,
MANANTHAVADY POLICE STATION,
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**
- 2. MOIDEEN, AGED 33 YEARS,
S/O.ABDULLA, MAKKI VEEDU,
KUNNAMANGALAM, PEECHANGODE, PORUNNANNOOR,
MANANTHAVADY, WAYANAD DISTRICT- 670 645.**

R2 BY ADV. SRI.A.HAROON RASHEED

R1 BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 17-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

ANNX.I: A TRUE COPY OF THE FIR IN CRIME NO.0692 DATED 23.07.2015.

**ANNX.II: A TRUE COPY OF THE AFFIDAVIT SUBMITTED BY THE DE-FACTO
COMPLAINANT/2ND RESPONDENT DATED 07.08.2015.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

PA.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

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Dated this the 17th day of August, 2015.

ORDER

The petitioners are the accused in the impugned Anx-I FIR in Crime No.692/2015 of Mananthavady Police Station registered for the alleged offences punishable under Secs.294(b), 323, 324 & 341 r/w 34 IPC. The prosecution allegation is that the accused persons manhandled the 2nd respondent (defacto complainant) while he was riding his bicycle through the side of the road and thus committed the offence. Now, it is submitted that the matter has been settled between the parties and that the 2nd respondent (defacto complainant) has sworn to Anx-II affidavit stating that the matter has been 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 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,

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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.

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3. Accordingly, it is ordered in the interest of justice that the impugned Anx-I FIR in Crime No.692/2015 of Mananthavady Police Station 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 Crl.M.C stands finally disposed of.

ALEXANDER THOMAS,
Judge.

bkn/-