

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

Crl.MC.No. 5394 of 2015

F.I.R.NO.892 OF 2015 OF PULIKEEZHU POLICE STATION, PATHANAMTHITTA

PETITIONER(S)/ACCUSED 1 TO 6 :

- 1. ANEESH MATHAI, S/O.ACHENKUNJU,
ANANTHANARIL, NIRANAM CENTRAL P.O.**
- 2. DHANESH, S/O.RAJAGOPAL,
ACHANARIL, NIRANAM P.O.**
- 3. LIJO, S/O.LALY,
VALUPARAMPIL, NIRANAM CENTRAL P.O.**
- 4. JOMON, S/O.GEORGEKUTTY,
PLAMCHUVATTIL, NIRANAM CENTRAL P.O.**
- 5. SAJITH, S/O.JANARDHANAN,
MUTTUNKERIL VADAKKETHIL, NIRANAM CENTRAL P.O.**
- 6. MONAYI, S/O.MURALI,
KADUMPATTUSSERIL, NIRANAM P.O.**

**BY ADVS.SRI.T.P.PRADEEP
SRI.P.K.SATHEES KUMAR**

RESPONDENT(S)/STATE AND INJURED :

- 1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA.**
- 2. RANJITH, AGED 23 YEARS,
S/O.RAVI, MULAMOOTTIL HOSUE, NIRANAM P.O-689 621.**
- 3. JOSHIN PETER @ JOSHUA, AGED 19 YEARS,
S/O.JOSEPH PETER, AYYAMVELIL HOUSE, NIRANAM P.O.-689 621.**

**R1 BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN
R2 & R3 BY ADV. SRI.UNNI. K.K. (EZHUMATTOOR)**

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

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A: CERTIFIED COPY OF THE FIR NO.892/2015 OF PULIKEEZHU
POLICE STATION.**

ANNEXURE B: TRUE COPY OF THE AFFIDAVIT OF THE 2ND RESPONDENT.

ANNEXURE C: TRUE COPY OF THE AFFIDAVIT OF THE 3RD RESPONDENT.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

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Dated this the 18th day of August, 2015.

ORDER

Petitioners are the accused Nos.1 to 6 in the impugned Anx-A FIR in Crime No.892/2015 of Pulikeezhu Police Station, registered for offences alleged under Secs.143, 147, 148, 326 & 308 r/w 149 of the IPC and Sec.27 of the Arms Act. The prosecution allegation is that the accused persons attacked respondents 2 & 3 causing injury to them. Now, it is submitted that the matter has been settled between the petitioners and respondents 2 & 3 (complainant/injured) and all the disputes among them stand dissolved under the mediation of Grama Panchayat members and guardians. Moreover, respondents 2 & 3 (complainant/injured) have sworn to Anxs-B & C affidavits stating that the matter has been settled between the parties and that they have 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.

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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.

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3. Accordingly, it is ordered in the interest of justice that the impugned Anx-A FIR in Crime No.892/2015 of Pulikeezhu 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/-