

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. 5446 of 2015

CRIME NO. 388/2015 OF ANCHALUMMOODU POLICE STATION, KOLLAM

PETITIONER(S)/ACCUSED:

1. YADHU KRISHNAN, AGED 22 YEARS,
S/O.MADHUSOODANAN, GOKULAM, KARINGANNOOR PO,
PUTHUSSERY, KOLLAM DISTRICT.
2. NITHIN P.R, AGED 22 YEARS, S/O.P.R.RAVEENDRAN,
NIRMAL (PALAKUNNATHU) CHOORAKKADU PO, THEKKUMBHAGOM,
THRIPUNITHURA, ERNAKULAM DISTRICT.
3. MANU RAJ, AGED 22 YEARS,
S/O.RAJAN, PANAYIL VEEDU, SIVA NAGAR-13,
PUNTHALATHAZHAM PO, KOLLAM DISTRICT.
4. SUNNER. S NAZEER, AGED 22 YEARS,
S/O.NAZEER, SUNEER MANZIL, NEELESWARAM PO,
KOTTARAKKARA.
5. JIJU JAMES, AGED 22 YEARS,
S/O.JAMES, THAMARASSERIL, CHERUSSERYBHAGOM,
CHAVARA PO, KOLLAM DISTRICT.

**BY ADVS.SRI.K.SIJU
SMT.S.SEETHA**

RESPONDENT(S)/DEFACTO COMPLAINANT & STATE:

1. STATE OF KERALA,
REPRESENTED BY SUB INSPECTOR OF POLICE,
ANCHALUMODU POLICE STATION,
THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA 682031.
2. RENJITH, AGED 19 YEARS,
S/O.RAJASUNDARAN PILLAI, KALEELIL KIZHAKKATHIL,
PATTATHANAM PO, KOLLAM 691508.

**R1 BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN
R2 BY ADV. SMT.RENY ANTO**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 18-08-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE 1: THE COPY OF FIR WITH FIS IN CRIME NO.388/2015 OF
ANCHALAMOODU POLICE STATION**

**ANNEXURE 2: TRUE COPY OF AFFIDAVIT REGARDING SETTLEMENT SWORN BY THE
DE FACTO COMPLAINANT DATED 04.04.2015**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.

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Dated this the 18th day of August, 2015.

ORDER

The petitioners are the accused in impugned Anx-1 FIR in Crime No.388/2015 of Anchalumoodu Police Station, registered for offences alleged under Secs.294(b), 341, 323, 506(i) & 34 IPC. The case was registered on the basis of the FI statement given by the 2nd respondent in connection with an altercation between the students of Perumon Engineering College. Now, it is submitted that the matter has been settled between the petitioners due to mediation of the College authorities and the 2nd respondent (defacto complainant) and that the 2nd respondent has sworn to Anx-2 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, 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-1 FIR in Crime No.388/2015 of Anchalumoodu 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/-