

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. 5468 of 2015

CRIME NO. 1596/2015 OF PATHANAMTHITTA POLICE STATION, PATHANAMTITTA
.....

PETITIONER(S)/ACCUSED:

**GOKUL, PUTHOOR HOUSE,
PRAMADAM, PATHANAMTHITTA DISTRICT.**

**BY ADVS.SRI.M.T.SURESHKUMAR
SRI.S.SANAL KUMAR
SMT.BHAVANA VELAYUDHAN
SMT.SMITHA PHILIPOSE**

RESPONDENT(S)/DEFACTO COMPLAINANT & STATE:

- 1. ROCKY M. DANIEL,
S/O.P.M.DANIEL, PANAMPADICKAL HOUSE, LAKOOR,
PRAMADAM, PATHANAMTHITTA DISTRICT - 689 645.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, KOCHI - 31.**

**R1 BY ADV. SRI.S.R.SREEJITH
R2 BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN**

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

msv/

Crl.MC.No. 5468 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE-A1: TRUE COPY OF THE FIR IN CRIME NO.1596 OF 2015 OF
PATHANAMTHITTA POLICE STATION DATED 25.6.2015.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE.

MsV/

ALEXANDER THOMAS, J.

Crl.M.C.No.5468 Of 2015

Dated this the 18th day of August, 2015.

ORDER

The petitioner is the accused in impugned Anx-A1 FIR in Crime No.1596/2015 of Pathanamthitta Police Station, registered for offences alleged under Secs.143, 147, 148, 341, 324 & 308 r/w 149 IPC. The prosecution case is that the 1st respondent was assaulted by the petitioner and four others. Now, it is submitted that the matter has been settled between the petitioner and the 1st respondent (defacto complainant) and that the 1st respondent has sworn to affidavit 7.7.2015 stating that the matter has been settled and that he has no objection in quashing the impugned criminal proceedings pending against the petitioner. It is in the 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

Crl.M.C.No.5468 Of 2015

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.

3. Accordingly, it is ordered in the interest of justice that the impugned Anx-A1 FIR in Crime No.1596/2015 of

Crl.M.C.No.5468 Of 2015

Pathanamthitta Police Station 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/-