

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

Crl.MC.No. 5504 of 2015 ()

SC 460/2013 of ADDL. ASST. SESSIONS COURT, THALASSERY

PETITIONERS/ACCUSED NOS. 1 TO 6 :

- 1. SREEJITH M @ KINKI, AGED 38 YEARS,
S/O.BHASKARAN, KANNOTH PUZHAKKAL HOUSE,
MUZHAPPILANGAD, KANNUR DISTRICT.**
- 2. RAJESH @ UNNI, AGED 31 YEARS,S/O.RAJAN,
THEKKEKUNNUMBRAM, LAKSHAM VEEDU COLONY,
MUZHAPPILANGAD, KANNUR DISTRICT.**
- 3. SREEJITH K., AGED 36 YEARS,
S/O.KRISHNAN, KRISHNALAYAM, THEKKEKKUNNUMBRAM,
MUZHAPPILANGAD, KANNUR DISTRICT.**
- 4. SHIJIL @ APPU, AGED 24 YEARS,
S/O. RAJEEVAN, LAKSHMI NILAYAM, KANNANVAYAL,
MUZHAPPILANGAD, KANNUR DISTRICT.**
- 5. SARATH K.P., AGED 25 YEARS,
S/O. SREEDHARAN, SHALIMA NIVAS, THEKKEKKUNNUMBRAM
MUZHAPPILANGAD, KANNUR DISTRICT.**
- 6. SHERIN K.P., AGED 24 YEARS,
S/O.SREEDHARAN, KANNOTH HOUSE, KANNAN VAYAL
MUZHAPPILANGAD.P.O., KANNUR DISTRICT.**

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

RESPONDENTS/DE-FACTO COMPLAINANT & STATE :

- 1. STATE OF KERALA
REPRESENTED BY SUB INSPECTOR OF POLICE,
EDAKKAD POLICE STATION THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**
- 2. JAMSHEER P.K, AGED 26 YEARS,
S/O.ABOOBACKER, "JAMSEENA COTTAGE",
NEAR KULAM BAZAR, MUZHAPPILANGAD DESOM,
MUZHAPPILANGAD.P.O., KANNUR DISTRICT.**

3. ASLAM, AGED 27 YEARS,S/O.HAIDER,
PUTHIYAPURAYIL HOUSE, NEAR KULAM BAZAR,
MUZHAPPILANGAD DESOM, MUZHAPPILANGAD.P.O.,
KANNUR DISTRICT.
4. RAMSHEED V., AGED 26 YEARS,
S/O.HAMSA, NASEEB MANZIL, KADAVU ROAD,
MUZHAPPILANGAD DESOM, MUZHAPPILANGAD.P.O.,
KANNUR DISTRICT.
5. ASHIQ V.P, AGED 24 YEARS,
S/O.KHALID, RAMANIKA, CHELAK ROAD,
MUZHAPPILANGAD DESOM, MUZHAPPILANGAD. P.O.,
KANNUR DISTRICT.
6. SHAMSEER A.K, AGED 25 YEARS,
S/O.ABOOBACKER, A.K.HOUSE, MUZHAPPILANGAD DESOM,
MUZHAPPILANGAD.P.O., KANNUR DISTRICT.

R1 BY PUBLIC PROSECUTOR SRI. RAJESH VIJAYAN
R2 TO R6 BY ADV. SRI.SHANAVAS NALAKATH RANDUPURAYIL

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 19-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

bp

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE 1: THE COPY OF FIR WITH FIS IN CRIME NO.887/2012 OF EDAKKAD POLICE STATION.

ANNEXURE 2: THE COPY OF FINAL REPORT IN CRIME NO.887/2012 OF EDAKKAD POLICE STATION.

ANNEXURE 3: THE COPY OF WOUND CERTIFICATE OF THE 2ND RESPONDENT DATED 18.9.2012.

ANNEXURE 3(A): THE COPY OF WOUND CERTIFICATE OF THE 3RD RESPONDENT DATED 17.9.2012.

ANNEXURE 3(B): THE COPY OF WOUND CERTIFICATE OF THE 4TH RESPONDENT DATED 17.9.2012.

ANNEXURE 3(C): THE COPY OF WOUND CERTIFICATE OF THE 5TH RESPONDENT DATED 17.9.2012.

ANNEXURE 3(D): THE COPY OF WOUND CERTIFICATE OF THE 3RD 2ND RESPONDENT DATED 18.9.2012.

ANNEXURE 4: TRUE COPY OF AFFIDAVIT SWORN BY THE 2ND RESPONDENT REGARDING THE COMPROMISE DATED 27.7.2015.

ANNEXURE 4(A): TRUE COPY OF AFFIDAVIT SWORN BY THE 3RD 2ND RESPONDENT REGARDING THE COMPROMISE DATED 27.7.2015.

ANNEXURE 4(B): THE COPY OF AFFIDAVIT SWORN BY THE 4TH RESPONDENT REGARDING THE COMPROMISE DATED 27.7.2015.

ANNEXURE 4(C): THE COPY OF AFFIDAVIT SWORN BY THE 5TH RESPONDENT REGARDING THE COMPROMISE DATED 27.7.2015.

ANNEXURE 4(D): THE COPY OF AFFIDAVIT SWORN BY THE 6TH RESPONDENT REGARDING THE COMPROMISE DATED 27.7.2015.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

ALEXANDER THOMAS, J.

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Crl.M.C.No.5504 of 2015

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Dated this the 19th day of August , 2015

O R D E R

The petitioners herein are the accused in the impugned Anx.1 FIR in Crime No.887/2012 of Edakkad Police Station, Kannur district, registered for offences punishable under Secs.143, 147, 148, 341, 323, 324, 308 r/w 149 of the IPC, which had led to the institution of the Sessions Case, S.C.No.460/2013 on the file of the 1st Additional Assistant Sessions Court, Thalassery. It is stated that now the entire disputes between the petitioners and the contesting respondents have been settled amicably and that the contesting respondents have sworn to Anxs.4, 4(a), 4(b), 4(c) and 4(d) affidavits before this Court, wherein it is stated that they have settled the entire disputes with the petitioners and that they have no objection for quashment of the impugned criminal proceedings pending against the petitioners. It is in the light of these aspects that the petitioners have preferred the instant Crl.M.C. with the prayer to quash the impugned criminal proceedings against them.

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 continuance of 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 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. Accordingly, it is ordered in the interest of justice that the impugned Anx.A-1 FIR in Crime No.887/2012 of Edakkad Police Station, Kannur District, which has led to the institution of S.C.No.460/2013

and all further proceedings arising therefrom pending against the petitioners stand quashed.

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

Sd/-
ALEXANDER THOMAS, JUDGE

AVS