

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. 5510 of 2015

**C.C.NO.832/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II,
THAMARASSERY**

CRIME NO. 757/2013 OF MUKKOM POLICE STATION , KOZHIKODE

PETITIONER(S)/ACCUSED :

- 1. ABDUL SHUKOOR K.V, AGED 24 YEARS,
S/O.MUHAMMED, KOTTATHARA VALIYAPARAMBIL, POLLISSERY,
MALAPPURAM-676 102.**
- 2. MOHAMMED NABEEL V.K, AGED 24 YEARS,
S/O.ASHRAF V.K, PUVANKARA, CHERAVALLUR, MALAPPURAM-679 675.**
- 3. DIPU VILSON, AGED 24 YEARS,
S/O.WILSON, CHANDRANKUNNEL, CHAKKITTAPPARA, KOZHIKKODE.**
- 4. ADIL ABDURAHIMAN MOHAMMED, AGED 24 YEARS,
S/O.ABDURAHIMAN, CHAKKINGAL, CHENNAMANGALUR, KOZHIKKODE.**
- 5. MOHAMED RASHID.K, AGED 24 YEARS,
S/O.ABDURAHIMAN, KALATHINGAL, KARASSERY, MUKKOM, CALICUT.**

BY ADV. SRI.S.KANNAN

RESPONDENT(S)/STATE - COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
MUKKAM POLICE STATION, KOZHIKODE- 673 002.**
- 3. JUNAID V.P, AGED 22 YEARS,
S/O.MUHAMMED V.P, VALIYAPARAMBATH, AROOR,
KAKKAT, CALICUT- 673 024.**

**R1 & R2 BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN
R3 BY ADVS. SRI.K.M.FIROZ
SMT.M.SHAJNA**

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

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A1: A TRUE COPY OF THE FINAL REPORT IN
 CRIME NO.757/2013 OF MUKKOM POLICE STATION,
 KOZHIKODE.**

ANNEXURE A2: AFFIDAVIT SWORN BY RESPONDENT NO.3.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

PA.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

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Crl.M.C.No.5510 of 2015
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Dated this the 19th day of August, 2015

ORDER

The petitioners herein are the accused in the impugned Anx.A-1 final report/charge sheet filed in Crime No.757/2013 of Mukkom Police Station, Kozhikode district, registered for offences punishable under Secs.143, 147, 341, 323 and 506(i) r/w Sec.149 of IPC, which has led to the institution of Calendar Case, C.C.No.832/2014 on the file of the Judicial First Class Magistrate Court-II, Thamarassery, Kozhikode district. It is stated that now the entire disputes between the petitioners and the 3rd respondent-de facto complainant have been settled amicably and that the 3rd respondent has sworn to Anx.A-2 affidavit before this Court, wherein it is stated that he has 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* final report/charge sheet filed in Crime No.757/2013 of Mukkom Police Station, which has led to the institution of Calendar Case, C.C.No.832/2014 on the file of the

Judicial First Class Magistrate Court-II, Thamarassery 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