

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. 5514 of 2015

**CC 1259/2015 OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE COURT, THALASSERY.
CRIME NO. 149/2008 OF THALASSERY POLICE STATION, KANNUR.**
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PETITIONER(S)/ACCUSED 1 & 3:

- 1. K.K.HANEEFA, S/O.IBRAHIM HAJI, AGED 49 YEARS,
KAIRALIVILLA HOUSE, MOODADI AMSOM,
MOODADI NORTH, KOYILANDI TALUK.**
- 2. SAJINA HANEESA, W/O.K.K.HANEEFA, AGED 39 YEARS,
KAIRALIVILLA HOUSE, MOODADI AMSOM,
MOODADI NORTH, KOYILANDI TALUK.**

BY ADV. SRI.ZUBAIR PULIKKOOL

RESPONDENT(S)/COMPLAINANT:

- 1. CHANDRI, W/O.LATE NARAYANAN, AGED 50 YEARS,
MOTTEMEL MANGADANKUIYIL HOUSE,
EAST PALOOR, CHOKLI P.O., THALASSERY TALUK,
KANNUR DISTRICT, PIN-670101.**
- 2. JASNA T.K., D/O.LATE NARAYANAN, AGED 26 YEARS,
MOTTEMEL MANGADANKUIYIL HOUSE,
EAST PALOOR, CHOKLI P.O., THALASSERY TALUK,
KANNUR DISTRICT, PIN-670101.**
- 3. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN-682031.**

**R1 & R2 BY ADV. SMT.P.A.ANEESHA
R3 BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN**

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

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APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE I : COPY OF FINAL REPORT IN CRIME NO.149/2008 OF
 THALASSERY POLICE.**

ANNEXURE II SWORN AFFIDAVIT OF 1ST AND 2ND RESPONDENT.

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C.No.5514 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.I final report/charge sheet filed in Crime No.149/2008 of Thalassery Police Station, Kannur district, registered for offences punishable under Sec.420 of IPC, which has led to the institution of Calendar Case, C.C.No.1259/2015 on the file of the Additional Chief Judicial Magistrate Court, Thalassery. It is stated that now the entire disputes between the petitioners and the contesting respondent Nos. 1 and 2 have been settled amicably and that the contesting respondents have sworn to Anx.II affidavit 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.I final report/charge sheet filed in Crime No.149/2008 of Thalassery Police Station, which has led to the institution of Calendar

Case, C.C.No.1259/2015 on the file of the Additional Chief Judicial Magistrate Court, Thalassery 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