

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

CrI.MC.No. 5522 of 2015 ()

**CP 28/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT, NADAPURAM
CRIME NO. 400/2014 OF VALAYAM POLICE STATION, KOZHIKODE**

PETITIONERS/ACCUSED 1-4 :

- 1. VACHAL SHAFEEQ, AGED 40 YEARS,
S/O.ABOOBACKER, VACHAL HOUSE, CHEKKIAD AMSOM,
UMMATHUR DESOM, VADAKARA TALUK, KOZHIKODE-673101.**
- 2. VACHAL SAHEER
S/O.ABOOBACKER, VACHAL HOUSE, CHEKKIAD AMSOM,
UMMATHUR DESOM, VADAKARA TALUK, KOZHIKODE-673101.**
- 3. MEETHALE RAROTH NAZAR, AGED 35 YEARS,
S/O.AMMAD, METHALE RAROTH HOUSE, CHEKKIAD AMSOM
UMMATHUR DESOM, VADAKARA TALUK, KOZHIKODE-673101.**
- 4. THAIKANDY MUJEEB, AGED 32 YEARS,
S/O.MUHAMMED, THAIKANDY HOUSE, CHEKKIAD AMSOM,
UMMATHUR DESOM, VADAKARA TALUK, KOZHIKODE-673101.**

BY ADV. SRI.M.G.SREEJITH

RESPONDENTS/DEFACTO COMPLAINANT/STATE :

- 1. STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
VALAYAM POLICE STATION,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA-682031.**
- 2. NIZAR, AGED 27 YEARS,
S/O.MOIDU, PALIYAPURAKKAL HOUSE, CHEKKIAD AMSOM
UMMATHUR DESOM, VADAKARA TALUK, KOZHIKODE-673101.**

**R1 BY PUBLIC PROSECUTOR SMT. MAYA P.
R2 BY ADV. SRI.ABDUL JALEEL ONATH**

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

bp

Crl.MC.No. 5522 of 2015 ()

APPENDIX

PETITIONER'S ANNEXURES :

**ANNEXURE A1: COPY OF CHARGE SHEET IN CRIME NO. 400/2014 NOW IN THE
FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
NADAPURAM IN CP NO. 28/2015.**

ANNEXURE A2: COPY AFFIDAVIT FILED BY R2 DT 20/1/2015.

RESPONDENT'S ANNEXURES : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

ALEXANDER THOMAS, J.

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Crl.M.C.No.5522 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.A-1 final report/charge sheet filed in Crime No.400/2014 of Valayam Police Station, Kozhikode district, registered for offences punishable under Secs.143, 147, 148, 341, 323, 308 and 149 of IPC, which has led to the institution of C.P.No.28/2015 on the file of the Judicial First Class Magistrate Court, Nadapuram. It is stated that now the entire disputes between the petitioners and the 2nd respondent de facto complainant have been settled amicably and tha the de facto complainant has sworn to Anx.A-2 affidavit before this Court, wherein it is stated that he has settled the entire disputes with the petitioners and that he has not 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.400/2014 of Valayam Police Station, which has led to the institution of C.P.No.28/2015 on the file of the Judicial First Class Magistrate Court, Nadapuram 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