

**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. 5528 of 2015**  
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**C.C.NO.880/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II,  
THAMARASSERY  
CRIME NO. 756/2013 OF MUKKOM POLICE STATION , KOZHIKODE**  
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**PETITIONER(S)/ACCUSED :**  
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- 1. AL AMEEN K.V., AGED 22 YEARS,  
S/O.ABUBACKER KUTTY, KELAN VALAPPIL, KADANCHERY,  
EDAPPAL, MALAPPURAM.**
- 2. FAVAS P., AGED 22 YEARS,  
S/O.MOIDEEN THAZHEPINANGATT, FOUSIA MANZIL, KATAMERI,  
VATAKARA, CALICUT.**
- 3. JUNAID V.P., AGED 22 YEARS,  
S/O.MUHAMMED V.P., VALIYAPARAMBATH, AROOR,  
KAKKAT, CALICUT.**
- 4. THEJUS N.V., AGED 22 YEARS,  
S/O.RAJAN N.V., PUFFIN, PERUTHATTIL,  
ERANJOLI, THALASSERI, KANNUR.**
- 5. SHUHAIB T.P., AGED 22 YEARS,  
S/O.ABDUL AZEES, THELERI PULPPARAMBIL, PAZHAMPARAMBIL,  
CHERUVADI, CALICUT.**
- 6. MUHAMMED MUFTHAR P., AGED 22 YEARS,  
S/O.MUHAMMED P., POTTACHOLA, ELATHIYOOR,  
TIRUR, MALAPPURAM.**
- 7. MUHAMMED MUFLIH V.K., AGED 22 YEARS,  
S/O.ABDUL AZEES V.K., VILACHIKULANGARA, ERAVATTOR,  
PERAMBRA, CALICUT.**
- 8. JASIR A.S., AGED 22 YEARS,  
S/O.SIDDIQUE A.S., ALUNGAL, EDAKKAZHIYOOR,  
THRISSUR- 688 021.**

**BY ADV. SRI.K.M.FIROZ**

**Crl.MC.No. 5528 of 2015**

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**RESPONDENT(S)/STATE-COMPLAINANT :**

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- 1. THE STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM-682 011.**
- 2. THE SUB INSPECTOR OF POLICE,  
MUKKAM POLICE STATION, KOZHIKODE-673 002.**
- 3. DEEPU VILSON, AGED 24 YEARS,  
S/O.VILSON V.P.,CHANDRANKUNNEL  
CHAKKITTAPARA, KOZHIKODE-673 024.**

**R1 & R2 BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN  
R3 BY ADV. SRI.S.KANNAN**

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

Msd.

**APPENDIX**

**PETITIONER(S)' ANNEXURES :**

**ANNEXURE A1:      A TRUE COPY OF THE FINAL REPORT IN  
CRIME NO.756/2013 OF MUKKOM POLICE STATION,  
KOZHIKODE.**

**ANNEXURE A2:      AFFIDAVIT SWORN BY RESPONDENT NO.3.**

**RESPONDENT(S)' ANNEXURES :**

**NIL**

**//TRUE COPY//**

**P.A.TO JUDGE.**

Msd.

ALEXANDER THOMAS, J.

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Crl.M.C.No.5528 of 2015

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Dated this the 19<sup>th</sup> 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.756/2013 of Mukkom Police Station, Kozhikode district, registered for offences punishable under Secs.143, 147, 341, 323 , 324, 294(b) r/w Sec.149 of IPC, which has led to the institution of Calendar Case, C.C.No.880/2014 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 3<sup>rd</sup> respondent-de facto complainant have been settled amicably and that the 3<sup>rd</sup> 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.756/2013 of Mukkom Police Station, which has led to the institution of Calendar

Case, C.C.No.880/2014 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