

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

Crl.MC.No. 5580 of 2015

CRIME NO. 40/2014 OF VELLATHOOVAL POLICE STATION , IDUKKI

PETITIONER(S)/ACCUSED:

1. PRATHEESH,
S/O. THANKAPPAN, KALAPPURACKAL HOUSE,
THINKALKAD BHAGOM, MUNIYARA KARA, KONNATHADY VILLAGE
UDUMBANCHOLA TALUK, IDUKKI DISTRICT.
2. BABU,
S/O. VISWAMBHARAN, THODIYIL HOUSE, THINKALKAD BHAGOM
MUNIYARA KARA, A KONNATHADY VILLAGE
UDUMBANCHOLA TALUK, IDUKKI DISTRICT.
3. BIBIN,
S/O. BABY, CHAKKALAYIL HOUSE, THINKALKAD BHAGOM
MUNIYARA KARA, KONNATHADY VILLAGE, UDUMBANCHOLA TALUK
IDUKKI DISTRICT.

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENT(S)/STATE & COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
2. SUB INSPECTOR OF POLICE,
VELLATHOOVAL POLICE STATION, IDUKKI DISTRICT-685586.
3. JAINEDRAN,
S/O. KUNJOONJ, KUDIPPARAYIL HOUSE, THINKALKAD BHAGOM
MUNIYARA KARA, KONNATHADY VILLAGE, UDUMBANCHOLA TALUK
IDUKKI DISTRICT-685586.

R1 & 2 BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN
R3 BY ADV. SRI.R.ARUN

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 20-08-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 5580 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES

A1 - TRUE COPY OF THE FIR IN CRIME NO. 40/2014 OF VELLATHOOVAL POLICE STATION.

A2 - TRUE COPY OF THE AFFIDAVIT OF THE 3RD RESPONDENT.

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.

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Crl.M.C.No.5580 of 2015

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Dated this the 20th day of August , 2015

ORDER

The petitioners herein are the accused in the impugned Anx.A-1 FIR in Crime No.40/2014 of Vellathooval Police Station, Idukki district, registered for offences punishable under Secs.323,324, 326 r/w 34 of IPC. 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 e has settled the entire disputes with the petitioners and 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 Cl.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.40/2014 of Vellathooval Police Station 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