

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. 5582 of 2015 ()

SC.NO. 461/2015 OF 1ST ADDL.ASSISTANT SESSIONS COURT, KOZHIKODE

PETITIONER(S)/ACCUSED:

1. SAJEER, S/O. ABOOBACKER, AGED 25 YEARS,
VATTIYAMADATHIL HOUSE, KAKKAMVELLI,
NADAPURAM, VADAKARA, KOZHIKODE DISTRICT.
2. SYED, S/O. YOOSUF, AGED 26 YEARS,
VANNAMKANDY HOUSE, KAKKAMVELLI,
NADAPURAM, VADAKARA, KOZHIKODE DISTRICT.

BY ADV. SRI.SUNNY MATHEW

RESPONDENT(S)/COMPLAINANT & STATE:

1. RAJAN, S/O. KELAPPAN, AGED 28 YEARS,
RESIDING AT PARAMEL HOUSE, PURAMEL,
VADAKARA, KOZHIKODE DISTRICT. PIN-673 001
2. THE SUB INSEPCTOR OF POLICE,
NADAPURAM POLICE STATION,
KOZHIKODE DISTRICT. PIN-673 001
3. STATE OF KERALA,
(RESPONDENTS 2 AND 3 REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM).PIN-682 031

R1 BY ADV. SRI.C.C.ANOOP

R2 & R3 BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 20-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 5582 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX A1 - TRUE COPY OF THE FINAL REPORT WITH F.I.R IN SC NO. 461/2015 ON
THE FILE OF THE COURT OF THE 1ST ADDITIONAL ASSISTANT
SESSIONS JUDGE, KOZHIKODE.**

ANNEX A2 - TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE 1ST RESPONDENT.

RESPONDENT(S)' ANNEXURES: **NIL**

/TRUE COPY/

P.A.TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C.No.5582 of 2015

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Dated this the 20th day of August , 2015

O R D E R

The petitioners herein are the accused in the impugned Anx.A-1FIR in Crime No.158/2014 of Nadapuram Police Station, Kozhikode district, registered for offences punishable under Secs.143, 147, 148, 341, 323, 324 and 308 r/w 159 of IPC, which has led to the institution of Sessions Case, S.C.No.461/2015 on the file of the 1st Additional Assistant Sessions Judge, Kozhikode. It is stated that now the entire disputes between the petitioners and the 1st respondent de facto complainant have been settled amicably and that the 1st respondent 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 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 FIR in Crime No.158/2014 of Nadapuram Police Station, which has led to the institution of

S.C.No.461/2015 on the file of the Additional Assistant Sessions Judge, Kozhikode district 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