

**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. 5586 of 2015 ()**  
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**FIR NO. 304/2015 OF MANNANTHALA POLICE STATION, THIRUVANANTHAPURAM**  
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**PETITIONERS/1 TO 3 ACCUSED :**  
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1. JAYAMOHAN M.,  
S/O.M.MADHAVAN NAIR, AGED 49 YEARS, JAI VIHAR  
THUNDATHIL P.O., KARYAVATTOM, THIRUVANANTHAPURAM.
2. T.S.SAJI KUMAR  
S/O.G.THANKAPPAN NAIR, AGED 41 YEARS, MEERA BHAVAN  
BSNRA – 91, MALAMEL NADA, MUKKOLA P.O.  
THIRUVANANTHAPURAM.
3. A.S.HARIKUMAR  
S/O.ANANTHAN PILLAI, NIKUNJAM KUTTIAYANI  
PANTHALACODE P.O., THIRUVANANTHAPURAM.

**BY ADV. SRI.V.VINAR**

**RESPONDENTS/DEFACTO COMPLAINANT :**  
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1. THE STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM-628 031.
2. SUB INSPECTOR OF POLICE  
MANNANTHALA POLICE STATION  
THIRUVANANTHAPURAM, KERALA PINCODE – 695 001.
3. SADASIVAN K.K.,  
S/O.KUNJU KUNJU, AGED 49 YEARS  
RESIDING AT CHARUVILAKATHU VEEDU  
BURMA ROAD, KUMARAPURAM, MEDICAL COLLEGE P.O.,  
THIRUVANANTHAPURAM – 695 001.

**R1 & R2 BY PUBLIC PROSECUTOR SRI. RAJESH VIJAYAN  
R3 BY ADV. SRI. M.R.SASITH PANICKER**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 20-08-2015, ALONG WITH CRL.M.C NO. 5645/2015, THE COURT ON THE  
SAME DAY PASSED THE FOLLOWING:**

**Mn**

**...2/-**

**Crl.MC.No. 5586 of 2015 ()**  
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**APPENDIX**

**PETITIONERS' ANNEXURES :**  
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**ANNEXURE-A1:        TRUE COPY OF THE FIR NO.304/2015 OF MANNANTHALA  
                             POLICE STATION, THIRUVANANTHAPURAM.**

**ANNEXURE-A2:        TRUE COPY OF AFFIDAVIT FILED BY THE 3RD RESPONDENT.**

**RESPONDENT(S)' EXHIBITS :        NIL**  
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**//TRUE COPY//**

**P.A. TO JUDGE**

**Mn**

ALEXANDER THOMAS, J.

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Crl.M.C.No.5586 of 2015

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Crl.M.C.No.5645 of 2015

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Dated this the 20<sup>th</sup> day of August , 2015

ORDER

The petitioners in Crl.M.C.No.5586 of 2015 are the accused Nos.1 to 3 in Crime No.5586 of 2015 of Mannanthala Police Station, Thiruvananthapuram district registered for offences under Secs.341, 323, 506(ii), 34 of the IPC and Sec.3(1) x of SC and ST (Prevention of Atrocities) Act, 1989. The de facto complainant in this case is the contesting respondent No.3, who is none other than an accused in the counter case and the petitioner in connected Crl.M.C.No.5645 of 2015. Incidentally, the first petitioner in Crl.M.C.No.5586 of 2015 is the third respondent in connected Crl.M.C.No.5645 of 2015. The petitioner in Crl.M.C.No.5645 of 2015 is the accused No.1 in Crime No.330/2015 of Mannanthala Police Station registered for offences under Secs.341, 323, 324, 506(ii), 294 (B), 34 of IPC. It is stated that the respective de facto complainants in both cases and the petitioners concerned have settled all the disputes and the de facto complainants in both these cases have also filed affidavits to that effect that they have settled the dispute with the accused and they

Crl.M.C.No.5586/2015

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Crl.M.C.No.5645/2015

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have no grievance or complaint now.

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 affidavits 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.

Crl.M.C.No.5586/2015

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Crl.M.C.No.5645/2015

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Accordingly, both the Crl.M.Cs stand finally disposed of as follows:

i). In Crl.M.C.No.5586/2015, it is ordered that the impugned Anx.A-1 FIR filed in the impugned Crime No.304/2015 of Mannanthala Police Station and all further proceedings arising therefrom pending against the petitioners are quashed.

ii). In Crl.M.C.No.5645/2015, it is ordered that the impugned Anx.A-1 FIR in Crime No.330/2015 Mannanthala Police Station of and all further proceedings arising therefrom pending against the petitioner is quashed.

Sd/-

ALEXANDER THOMAS, JUDGE

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