

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. 5612 of 2015

**CC 894/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, MALAPPURAM
CRIME NO. 540/2007 OF KONDOTTY POLICE STATION , MALAPPURAM**

PETITIONER(S)/DEFACTO COMPLAINANT AND IST ACCUSED:

- 1. ABDUL LATHEEF, AGED 42 YEARS
S/O.KOYAKUTTY, ORENGAL HOUSE
KONDOTTY AMSOM, KOLATHUR DESOM, THURAKKAL P.O., KONDOTTY
MALAPPURAM DISTRICT.**
- 2. SAIFULLAH VAZHAYIL, AGED 32 YEARS,
S/O.MUHAMMED ALI, AMBALAKANDI HOUSE, KONDOTTY AMSOM
KOLATHUR DESOM, THURAKKAL P.O., KONDOTTY,
MALAPPURAM DISTRICT.**

BY ADV. SRI.U.K.DEVIDAS

RESPONDENT(S)/STATE:

**STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
KONDOTTY POLICE STATION,
MALAPPURAM DISTRICT THROUGH PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

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

PJ

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE-I: TRUE COPY OF THE RELEVANT PAGE OF THE FIRST INFORMATION
REPORT IN CRIME NO.540/2007 OF KONDOTTY POLICE STATION,
DATED 24.7.2007**

**ANNEXURE-II: TRUE COPY OF THE RELEVANT PAGE OF THE FINAL REPORT IN
C.C.NO.381/2008 ON THE FILES OF THE J.F.C.M. COURT, MALAPPURAM
DATED 30.9.2007**

**ANNEXURE-III:THE ORIGINAL OF THE AFFIDAVIT DATED 10.6.2015 EXECUTED BY THE
FIRST PETITIONER**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.

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Crl.M.C No.5612 of 2015

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Dated this the 20th day of August, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.540 of 2007 of Kondotty Police Station, registered under Sections 326 and 427 r/w 34 of IPC. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the de facto complainant out of court. The defacto complainant/injured is the first petitioner herein and he has filed affidavit to the effect that he has settled the whole dispute with the accused and he has no objection for quashment of the impugned criminal proceedings against the 2nd petitioner herein.

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, the impugned F.I.R and further proceedings arising out of Crime No.540 of 2007 of Kondotty Police Station, including all further proceedings arising out of C.C.No.894 of 2013 on the file of the Judicial First Class Magistrate Court, Malappuram pending against the 2nd petitioner herein will stand quashed under Section 482 of the Code of Criminal Procedure.

With these observations and directions this Crl.M.C. stands finally disposed of.

sd/-

sab

ALEXANDER THOMAS, JUDGE

