

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. 5639 of 2015

CRIME NO. 880/2013 OF PERUMBAVOOR POLICE STATION, ERNAKULAM
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PETITIONER(S)/ACCUSED NO.1 TO 3:

1. IBY PAUL, AGED 31 YEARS,
S/O.PAULOSE, PATTLATTU HOUSE, VENGOLA KARA,
WEST VENGOLA P.O., ARACKAPPADY VILLAGE,
KUNNATHUNAD TALUK, ERNAKULAM DISTRICT.
2. AJI, AGED 36 YEARS,
S/O.ETTEERA, PARAKKATTU HOUSE, ARACKAPPADY VILLAGE,
KUNNATHUNAD TALUK, ERNAKULAM DISTRICT.
3. JOBY THOMAS, AGED 27 YEARS,
S/O.THMAS, PACHAM PARAMBIL HOUSE, ARACKAPPADY VILLAGE,
KUNNATHUNAD TALUK, ERNAKULAM DISTRICT

BY ADV. SRI.P.P.BIJU

RESPONDENT(S)/STATE AND COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. GEROGE PAUL, AGED 35 YEARS,
S/O.PAULOSE, NEUMGATTU PUTHENPURA HOUSE,
VENGOLA VILLAGE, WEST VENGOLA P.O.,
ERNAKULAM DISTRICT-683 554.
3. ARUN ELIAS, AGED 33 YEARS,
S/O.ALIAS, NEDUNGATTU PUTHENPURAYIL HOUSE,
WEST VENGOLA P.O., WEST VENGOLA P.O.,
ARACKAPPADY VILLAGE, ERNAKULAM DISTRICT-683 554.
4. BASIL JACOB , AGED 26 YEARS,
S/O.JACOB, PANAYIL HOUSE, ARACKAPPADY VILLAGE,
VENGOLA, KARA, ERNAKULAM DISTRICT-683 554.

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5. JYOTHIS, AGED 26 YEARS,
S/O.JOY, NEELANGAL HOUSE, WEST VENGOLA P.O.,
ARACKAPPADY VILLAGE, ERNAKULAM DISTRICT-683 554.
6. AJIN BABU, AGED 23 YEARS,
S/O.BABU PAUL, PANAYIL HOUSE, ARACKAPPADY VILLAGE,
VENGOLA, KARA, ERNAKULAM DISTRICT-683 554.
7. ELIAS, AGED 54 YEARS,
S/O.ITHAPIRI, NDUNGATTU PUTHENPURAYIL HOUSE,
WEST VENGOLA P.O., ARACKAPPADY VILLAGE,
ERNAKULAM DISTRICT-683 554.
8. BOSE, AGED 46 YEARS,
S/O.GEROGE, KOLLIYELI HOUSE, WEST VENGOLA P.O.
ARACKAPPADY VILLAGE, ERNAKULAM DISTRICT-683 554.
9. BASIL KURIAKOSE, AGED 26 YEARS,
S/O.KURIAKOSE, MANGALATH HOUSE, WEST VENGOLA P.O.,
ARACKAPPADY VILLAGE, ERNAKULAM DISTRICT-683 554.
10. LIJOY BABY, AGED 24 YEARS,
S/O.BABY, MALLIYATH HOUSE, WEST VENGOLA P.O.,
ARACKAPPADY VILLAGE, ERNAKULAM DISTRICT-683 554.
11. ARUN PAUL, AGED 33 YEARS,
S/O.PAULOSE, KOLLIYELI HOUSE, ARACKAPPADY VILLAGE
ERNAKULAM DISTRICT-683 554.
12. ELDHOSE, AGED 23 YEARS,
S/O.BENNY PAUL, PATTLATTU HOUSE, WEST VENGOLA P.O.,
ARACKAPPADY VILLAGE, ERNAKULAM DISTRICT-683 554.

R1 BY PUBLIC PROSECUTOR SMT.P.MAYA
R2-R12 BY ADV. SRI.ANISH PAUL

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

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE-I. TRUE COPY OF THE FINAL REPORT IN CRIME NO.880/2013 OF
PERUMBAVOOR POLICE STATION, ERNAKULAM DISTRICT.**

ANNEXURE-II. ORIGINAL OF THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT.

ANNEXURE-III. ORIGINAL OF THE AFFIDAVIT SWORN BY THE 3RD RESPONDENT.

ANNEXURE-IV. ORIGINAL OF THE AFFIDAVIT SWORN BY THE 4TH RESPONDENT.

ANNEXURE-V. ORIGINAL OF THE AFFIDAVIT SWORN BY THE 5TH RESPONDENT.

ANNEXURE-VI. ORIGINAL OF THE AFFIDAVIT SWORN BY THE 6TH RESPONDENT.

ANNEXURE-VII. ORIGINAL OF THE AFFIDAVIT SWORN BY THE 7TH RESPONDENT.

ANNEXURE-VIII. ORIGINAL OF THE AFFIDAVIT SWORN BY THE 8TH RESPONDENT.

ANNEXURE-IX. ORIGINAL OF THE AFFIDAVIT SWORN BY THE 9TH RESPONDENT.

ANNEXURE-X. ORIGINAL OF THE AFFIDAVIT SWORN BY THE 10TH RESPONDENT.

ANNEXURE-XI. ORIGINAL OF THE AFFIDAVIT SWORN BY THE 11TH RESPONDENT.

ANNEXURE-XII. ORIGINAL OF THE AFFIDAVIT SWORN BY THE 12TH RESPONDENT.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msv/

ALEXANDER THOMAS, J.

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Crl.M.C No.5639 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.880/2013 of Perumbavoor Police Station, registered under Sections 323, 324 r/w section 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 de facto complainant is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. He has filed affidavit to the effect that he has settled the whole dispute with the accused and he has no grievance or complaint. The other persons who sustained injuries in the alleged incident are the respondents 3 to 12 in this proceeding. They have also filed affidavit to the effect that they have settled the dispute with the accused and and they have no objection for quashment of the impugned criminal proceedings against the petitioners.

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.880/2013 of Perumbavoor Police Station, Ernakulam pending against the petitioners 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