

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

CrI.MC.No. 5646 of 2015 ()

**CRIME NO. 190/2015 OF PANDALAM POLICE STATION,
PATHANAMTHITTA DISTRICT**

PETITIONERS/ACCUSED NO. 1 TO 3 :

- 1. VENUGOPAL, AGED 43 YEARS,
S/O KUNJU ACHARY, RENJITH BHAVAN, KEERUKUZH MURI,
PANDALAM-THEKKEKARA VILLAGE, PATHANAMTHITTA DISTRICT**
- 2. C.G. RAHUL @ HARE KRISHNA, AGED 33 YEARS,
S/O GOPINATHAN ACHARY, CHERITHY HOUSE,
VAYALINUM PADINJARU MURI, KEERUKUZH P.O.,
THUMPAMON VILLAGE, PATHANAMTHITTA DISTRICT**
- 3. SUBHASH. B.,
S/O BHANU, PANIKKANTHARA HOUSE,
BHAGAVATHIKKULAM PADINJARU MURI, KEERUKUZH P.O.,
THUMPAMON VILLAGE, PATHANAMTHITTA DISTRICT**

BY ADV. SRI.SAKIR.K.H.

RESPONDENTS/COMPLAINANT :

- 1. RATHEESH, AGED 25 YEARS,
S/O REGHUY, SADANAM HOUSE, THATTA P.O.,
KEERUKUZH MURI, PANDALAM-THEKKEKARA VILLAGE,
PATHANAMTHITTA DISTRICT-689 501**
- 2. STATE OF KERALA
THROUGH THE SUB INSPECTOR OF POLICE,
PANDALAM POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM**

R1 BY SRI.P.Y.AHAMMED PHYSI

R2 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:**

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APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1: CERTIFIED COPY OF THE FIR IN CRIME NO. 190/15 OF
PANDALAM POLICE STATION.**

**ANNEXURE A2: AFFIDAVIT DT. 10/8/15 SWORN TO BY THE 1ST
RESPONDENT/DEFACTO COMPLAINANT**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

ALEXANDER THOMAS, J.

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Dated this the 20th day of August, 2015.

ORDER

The petitioners are the three accused in impugned Anx-A1 FIR in Crime No.190/2015 of Pandalam Police Station, registered for offences alleged under Secs.294(b), 323, 324 & 326 r/w 34 of the IPC. The prosecution case is that the accused persons attacked the defacto complainant (1st respondent) causing grievous hurt to him. Now, it is submitted that the matter has been settled between the petitioners and the 1st respondent (defacto complainant) and that the 1st respondent has sworn to Anx-A2 affidavit stating that the matter has been settled and that he has no objection in quashing the impugned criminal proceedings pending against the petitioners. It is in the light of these aspects that the petitioners have filed this Crl.M.C seeking the prayer for quashment of the impugned criminal proceedings.

2. In a catena of decisions, the Apex Court has held that, in appropriate cases involving even non-compoundable offences,

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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 the continuance of the 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 the 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.

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3. Accordingly, it is ordered in the interest of justice that the Anx-A1 FIR in Crime No.190/2015 of Pandalam Police Station and all further proceedings arising therefrom pending against the petitioners herein stand quashed under Sec.482 of the Code of Criminal Procedure.

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

ALEXANDER THOMAS,
Judge.

bkn/-