

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. 5655 of 2015 ()

CRIME NO. 174/2015 OF ADOOR POLICE STATION , PATHANAMTHITTA DISTRICT

PETITIONER(S)/ACCUSED:

1. ANEESH, AGED 19 YEARS,
S/O SHAHUL HAMEED, PEEDIKAYIL HOUSE,
PARAKODE P.O., ADOOR, PATHANAMTHITTA DISTRICT.
2. AJMAL, AGED 19 YEARS,
S/O ABDUL LATHEEF, SUBAIR MANZIL ,
PARAKODE P.O., ADOOR, PATHANAMTHITTA DISTRICT.
3. SHAMON, AGED 19 YEARS,
S/O M.A. MEEDHIYAN, MANAKARA HOUSE,
PARAKODE P.O., ADOOR, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.S.SHAJAHAN (ADOOR)

RESPONDENT(S)/STATE & DEFACITOR COMPLAINT:

1. STATE OF KERALA,
(REP. BY THE SUB INSPECTOR OF POLICE,
ADOOR POLICE STATION,
PATHANAMTHITTA DISTRICT-CR.174/15 OF ADOOR POLICE STATION)
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. MANOJKUMAR, AGED 38 YEARS,
S/O KAMALAN, AMBADIYIL HOUSE, ADOOR,
PUTHUMALA P.O., PARAKODE,
PATHANAMTHITTA DISTRICT-689 645

R1 BY PUBLIC PROSECUTOR SMT. P.MAYA
R2 BY ADV. SRI.A.M.ABDULLA

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

sts

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APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX A1- COPY OF THE FIR IN CR. NO 174/15 DT. 7/2/15 OF ADOOR POLICE
STATION ON THE FILE OF THE FIRST CLASS JUDICIAL
MAGISTRATE'S COURT ADOOR , PATHNAMTHITTA.**

ANNEX A2: AFFIDAVIT OF MANOJKUMAR

RESPONDENT(S)' ANNEXURES: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

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.174/2015 of Adoor Police Station, registered for offences alleged under Secs.341, 427 & 308 r/w 34 IPC. The prosecution case is that the accused persons attacked the defacto complainant using deadly weapon due to enmity. Now, it is submitted that the matter has been settled between the petitioners and the 2nd respondent (defacto complainant) and that the 2nd 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 impugned Anx-A1 FIR in Crime No.174/2015 of Adoor 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/-