

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. 5679 of 2015 ()

**SC 480/2015 of ADDL.SESIONS COURT, ALAPPUZHA
CP 19/2015 of JUDICIAL FIRST CLASS MAGISTRATE -II, CHERTHALA**

PETITIONER/ACCUSED :

**ALI KUNJU @ SHABEER, AGED 30 YEARS,
S/O.SHAMSUDHEEN, RESIDING AT MANAKATTU HOUSE,
COMBARA JUNCTION, N.A.D. PO, EDATHALA PANCHAYAT,
ALUVA 683563**

BY ADV. SRI.C.K.SREEJITH

RESPONDENTS/STATE, COMPLAINANT & DEFACTO COMPLAINANTS :

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM 682031**
 - 2. STATION HOUSE OFFICER
POOCHAKKAL POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM 682031**
 - 3. SULAIMAN, AGED 44 YEARS,
S/O. MUHAMMED, RESIDING AT PANAPARAMBU HOUSE,
PANAVALLY PANCHAYAT, WARD NO.III, ALAPPUZHA 688526**
 - 4. JASEELA, AGED 36 YEARS,
W/O.SULAIMAN, RESIDING AT PANAPARAMBU HOUSE,
PANAVALLY PANCHAYAT, WARD NO.III, ALAPPUZHA 688526**
- R1 & R2 BY PUBLIC PROSECUTORSMT. P. MAYA
R3 & R4 BY ADV. SMT.MARY RANZOM LOUIZ**

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

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- ANNEXURE A1:** THE TRUE COPY OF THE FIR IN CRIME NO.714/2011 ON THE
FILE OF THE POOCHAKKAL POLICE STATION.
- ANNEXURE A2:** THE TRUE COPY OF THE STATEMENT GIVEN BY THE 2ND
RESPONDENT BEFORE THE POOCHAKKAL POLICE.
- ANNEXURE A3:** THE TRUE COPY OF THE FINAL REPORT IN CRIME NO.714/2011
ON THE FILE OF THE POOCHAKKAL POLICE STATION,
ALAPPUZHA.
- ANNEXURE A4:** THE AFFIDAVIT SWORN BY THE DEFACTO COMPLAINANT WHO
IS THE FATHER OF THE VICTIM.
- ANNEXURE A5:** THE AFFIDAVIT SWORN BY THE DEFACTO COMPLAINANT WHO
IS THE MOTHER OF THE VICTIM

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

ALEXANDER THOMAS, J.

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Crl.M.C No.5679 of 2015

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Dated this the 20th day of August, 2015

ORDER

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.714/2011 of Poochakkal Police Station, registered under Sections 324 of the I.P.C. and 23 of Juvenile Justice Act. The complaint was filed by the 3rd respondent stating that their son was assaulted by the petitioner. 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 3rd and 4th respondents (Father and Mother of the victim) have filed affidavit to the effect that they have settled the whole dispute with the accused and they have no objection 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, 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.714/2011 of Poochakkal Police Station, including all further proceedings arising out of S.C.No. 714/2011 on the file of the Additional Sessions Court, Alappuzha pending against the 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