

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. 5699 of 2015

CRIME NO. 675/2015 OF KOTTAKKAL POLICE STATION , MALAPPURAM

PETITIONER(S)/ACCUSED:

**KUNHAMADU, AGED 50 YEARS,
S/O.KUNHEETHU, ANJUKANDATHIL HOUSE, VENGARA P.O.,
VALIYORA, MALAPPURAM DISTRICT.**

BY ADV. SRI.U.K.DEVIDAS

RESPONDENT(S)/STATE/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
MALAPPURAM POLICE STATION,
MALAPPURAM DISTRICT THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. JAFAR ALI.T., AGED 28 YEARS,
S/O.KUTTIALI, THEKKARAKATH HOUSE, OTHUKUNGAL P.O.
MALAPPURAM DISTRICT-676528.**

**R1 BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN
R2 BY ADV. SMT.P.M.SHAHIDA**

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

PJ

Crl.MC.No. 5699 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE I- COPY OF THE FIRST INFORMATION REPORT AND FIRST
INFORMATION STATEMENT IN CRIME NO.675/15 OF KOTTAKKAL
POLICE STATION DATED 2/7/15**

**ANNEXURE II- THE ORIGINAL OF THE AFFIDAVIT DATED 21/12/15 EXECUTED BY THE
R2**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.

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CrI.M.C No.5699 of 2015

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Dated this the 20th day of August, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.675 of 2015 of Kottakkal Police Station, registered under Sections 324, 341, 448, 506(i) 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 objection for quashment of the impugned criminal proceedings against the petitioner.

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.675 of 2015 of Kottakkal Police Station, including all further proceedings 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

