

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. 5734 of 2015

**CC 1005/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, ADOOR
CRIME NO. 2059/2014 OF ADOOR POLICE STATION , PATHANAMTITTA**

PETITIONER(S)/ACCUSED NO.1 & 2:

- 1. BABU, AGED 45 YEARS,
S/O.SAMUEL, RESIDING AT BETTY BHAVAN, KOODAL MURI
KOODAL VILLAGE, PATHANAMTHITTA DISTRICT.**
- 2. RAHELAMMA, AGED 41 YEARS,
W/O.BABU, RESIDING AT BETTY BHAVAN, KOODAL MURI,
KOODAL VILLAGE, PATHANAMTHITTA DISTRICT.**

**BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S**

RESPONDENT(S)/STATE AND CW1 & CW2:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-31.**
- 2. GURUDAS, AGED 24 YEARS,
S/O.YESODHARAN, CHEMPI PRAMPIL VEEDU, KOODAL MURI,
KOODAL VILLAGE, ADOOR TALUK,
PATHANAMTHITTA DISTRICT-689 645.**
- 3. VIJAYAKUMARI, AGED 56 YEARS,
W/O.YESODHARAN, CHEMPI PRAMPIL VEEDU, KOODAL MURI,
KOODAL VILLAGE, ADOOR TALUK
PATHANAMTHITTA DISTRICT-689 645.**

**R2 BY ADV. SRI.SERGI JOSEPH THOMAS
R1 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:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1 : THE TRUE COPY OF THE CHARGE SHEET IN CC 1005/2015 OF THE
JUDICIAL FIRST CLASS MAGISTRATE COURT, ADOOR, IN CRIME
NO.2059/2014 OF ADOOR POLICE STATION.**

**ANNEXURE A2 : AN AFFIDAVIT SWORN BY THE SECOND RESPONDENT STATING THE
SETTLEMENT OF ALL THE DISPUTES.**

**ANNEXURE A3 : AN AFFIDAVIT SWORN BY THE THIRD RESPONDENT STATING THE
SETTLEMENT OF ALL THE DISPUTES.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.

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Crl.M.C.No.5734 of 2015

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Dated this the 20th day of August , 2015

O R D E R

The petitioners herein are the accused in the impugned Anx.A-1 final report/charge sheet filed in Crime No.2059/2014 of Adoor Police Station, registered for offences punishable under Sec.420 r/w Sec.34 of the IPC, which has led to the institution of Calendar Case, C.C.No.1005/2015 on the file of the Judicial First Class Magistrate Court, Adoor. It is stated that now the entire disputes between the petitioners and the contesting respondents have been settled amicably that contesting respondent Nos.2 and 3 have sworn to Anxs.A-2 to A-3 affidavits before this Court, wherein it is stated that they have settled the entire disputes with the petitioners and that they have no objection for quashment of the impugned criminal proceedings pending against the petitioners. It is in the light of these aspects that the petitioners have preferred the instant Crl.M.C. with the prayer to quash the impugned criminal proceedings against them.

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 affidavits 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, it is ordered in the interest of justice that the impugned Anx.A-1 final report/charge sheet filed in Crime No.2059/2014 of Adoor Police Station, which has led to the pendency of the C.C.No.1005/2015 on the file of the Judicial First

Class Magistrate Court, Adoor and all further proceedings arising therefrom pending against the petitioners stand quashed

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

Sd/-
ALEXANDER THOMAS, JUDGE

AVS