

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. 5735 of 2015

**CC 105/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, NEDUMANGAD
CRIME NO. 725/2013 OF PANGODE POLICE STATION , THIRUVANANTHAPURAM**

PETITIONER(S)/ACCUSED 1 TO 3:

- 1. SAMEER, AGED 25 YEARS,
S/O.MOHAMMED SALI, SAMEER MANZIL,
KAITHAPACHA BHARATHANNOOR, PANGODU VILLAGE,
THIRUVANANTHAPURAM DISTRICT.**
- 2. UMAR, AGED 37 YEARS,
S/O.MOHAMMED SALI, SAMEER MANZIL,
KAITHAPACHA BHARATHANNOOR, PANGODU VILLAGE,
THIRUVANANTHAPURAM DISTRICT.**
- 3. SIDDIQUE, AGED 29 YEARS,
S/O.MOHAMMED SALI, SAMEER MANZIL
KAITHAPACHA BHARATHANNOOR, PANGODU VILLAGE,
THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.P.ANOOP (MULAVANA)

RESPONDENT(S)/STATE, DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. NITHEESH, AGED 25 YEARS,
S/O.MURALI, RESIDING AT NITHEESH BHAVAN, BHARATHANNOOR
KAITHAPACHA, MAILAMOODU PO, PANGODE VILLAGE,
THIRUVANANTHAPURAM DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SMT.PMAYA
R2 BY ADV. SMT.V.VJITHA**

**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. 5735 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE A1: TRUE COPY OF THE FINAL REPORT IN CC 105/2014 OF THE JUDICIAL
FIRST CLASS MAGISTRATE COURT-II, NEDUMANGAD,
THIRUVANANTHAPURAM DISTRICT.**

ANNEXURE A2 : AFFIDAVIT FILED BY THE 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.
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Crl.M.C.No.5735 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.725/2013 of Pangodu Police Station, Thiruvananthapuram district, which has led to the institution of Calendar Case, C.C.No.105/2014 on the file do the Judicial First Class Magistrate Court-II, Nedumangad, Thiruvananthapuram. It is stated that now the entire disputes between the petitioners and the 2nd respondent de facto complainant have been settled amicably and that the 2nd respondent has sworn to Anx.A-2 affidavit before this Court, wherein it is stated that he has settled the entire disputes with the petitioners and that he has 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 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, it is ordered in the interest of justice that the impugned Anx.A-1 final report/charge sheet filed in Crime No.725/2013 of Pangodu Police Station, which has led to the institution of the C.C.No.105/2014 on the file of the Judicial First

Class Magistrate Court-II, Nedumangad and all further proceedings arising therefrom pending against the petitioners stand quahsed.

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

Sd/-
ALEXANDER THOMAS, JUDGE

AVS