

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. 5740 of 2015

**CC 314/2010 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - I, NORTH PARAVUR.
CRIME NO. 648/2006 OF NORTH PARUR POLICE STATION, ERNAKULAM DISTRICT.**
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PETITIONER(S)/ACCUSED:

1. SARIN, AGED 27 YEARS,
S/O.MUKUNDAN, PARAYIL HOUSE,
CHEETHUKULAM BHAGOM
KEDAMANGALAM KARA,
PARAVUR VILLAGE, NORTH PARAVUR,
ERNAKULAM, PIN-683 513.
2. BIJU, AGED 39 YEARS, S/O.RAMAN,
CHEETHUKULAM HOUSE, CHEETHUKULAM BHAGOM,
KEDAMANGALAM KARA, PARAVUR VILLAGE,
NORTH PARAVUR, ERNAKULAM, PIN-683 513.
3. RATHEESH, AGED 32 YEARS,
S/O.SIVARAMAN, MARATTINAKATH HOUSE,
CHEETHUKULAM BHAGOM, KEDAMANGALAM KARA,
PARAVUR VILLAGE, NORTH PARAVUR,
ERNAKULAM, PIN-683 513.
4. SINOSH @ MURUKAN, AGED 32 YEARS,
S/O.RAMAKRISHNAN, AZHIKKALPPARAMBIL HOUSE,
KEDAMANGALAM KARA, PARAVUR VILLAGE,
NORTH PARAVUR, ERNAKULAM, PIN-683 513.

**BY ADVS.SRI.PRASUN.S
SRI.PAUL MATHEW (PERUMPILLIL)
SRI.P.V.SREENIJIN
SMT.K.B.SONY**

RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT - CW1 INJURED:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN-682031.

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- 2. JOJO, AGED 34 YEARS, S/O.ANTONY,
VADAKKILAN HOUSE, CHAKKATHARA BHAGOM,
KEDAMANGALAM KARA, PARAVUR VILLAGE,
NORTH PARAVUR, ERNAKULAM, PIN-683 513.**

**R1 BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN
R2 BY ADV. SRI.M.REVIKRISHNAN**

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

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APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A1 : THE TRUE COPY OF THE FINAL REPORT IN CRIME NO.648 OF
2006 OF NORTH PARUR POLICE STATION.**

**ANNEXURE A2 : THE AFFIDAVIT SWORN BY CW1/SECOND RESPONDENT
HEREIN DATED 18-1-2015 EVIDENCING THE SETTLEMENT
BETWEEN THE PARTIES.**

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

ALEXANDER THOMAS, J.

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Dated this the 20th day of August, 2015.

ORDER

The petitioners are the accused in C.C.No.314/2010 on the file of the Judicial First Class Magistrate Court-I, North Parur, which arose out of impugned Anx-A1 final report/charge sheet filed in Crime No.648/2006 of North Parur Police Station, registered for offences alleged under Secs.452, 323, 326 & 427 r/w 34 of the IPC. The case was registered on the allegation that the accused persons due to enmity trespassed into the house of the 2nd respondent (CW1/defacto complainant) and caused hurt to him and also committed damage to the vehicle kept in the courtyard. 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

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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, 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)

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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.

3. Accordingly, it is ordered in the interest of justice that the impugned Anx-A1 final report/charge sheet filed in Crime No.648/2006 of North Parur Police Station, which is now pending as C.C.No.314/2010 on the file of the Judicial First Class Magistrate Court-I, North Parur, 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/-