

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 17TH DAY OF JUNE 2015/27TH JYAISHTA, 1937

Crl.MC.No. 4865 of 2014 ()

CRIME NO. 806/2011 OF PEECHI POLICE STATION, THRISSUR DISTRICT

PETITIONER/SOLE ACCUSED :

**NADEERA BEEGAM K.H., AGED 54
W/O. A.M.SAYED ABDUL KHADER, A.P.VEDU
THEKUMPADAM DESOM, PEECHI VILLAGE,
THRISSUR DISTRICT.**

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS/STATE OF KERALA AND THE COMPLAINANT :

- 1. THE STATE OF KERALA
REP. BY THE SUB INSPECTOR OF POLICE
PEECHI POLICE STATION, THRISSUR
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT
ERNAKULAM-682 031.**
- 2. SUBHASH, AGED 36,
S/O. PADMAKARAN, PANAVELIL HOUSE, EAST PAMPADY P.O.
THIRUVILWAMALA, THRISSUR DISTRICT-680 001.**

**R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE
R2 BY ADV. SRI.K.ASHIS**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 17-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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...2/-

Crl.MC.No. 4865 of 2014 ()

APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE I : COPY OF THE FIR IN CRIME NO.806 OF 2011 OF THE PEECHI
POLICE STATION DTD.1.9.2011.**

**ANNEXURE II: COPY OF THE FINAL REPORT SUBMITTED BY THE PEECHI
POLICE, BEFORE THE JFCM-III, THRISSUR DTD.14.10.2011.**

**ANNEXURE III: COPY OF THE AFFIDAVIT OF THE 2ND RESPONDENT
DTD.14.8.2014.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C.No. 4865 of 2014

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Dated this the 17th day of June, 2015

O R D E R

The petitioner seeks orders quashing Anx.II final report/ charge sheet in Anx.1 Crime No.806/2011 of Peechi Police Station, registered for offences under Secs.415, 417, 418 and 420 of the I.P.C. It is stated that now the entire disputes between the petitioner and the 2nd respondent defacto complainant have been settled amicably. The 2nd respondent has sworn to Anx.III affidavit before this Court to the effect that he has settled the whole disputes with the petitioner and he has no objection for quashment of the impugned criminal proceedings against the petitioner. It is in the light of these aspects that the petitioner has filed the instant Crl.M.C. with the prayer 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.

3. Accordingly, the impugned Anx.II final report/charge sheet in Anx.I Crime No.806/2011 of Peechi Police Station and all further proceedings arising therefrom pending against the petitioner will stand quashed.

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

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE
P.S. to Judge

Cr1.M.C.4865/14

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