IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 16TH DAY OF JULY 2015/25TH ASHADHA, 1937

Crl.MC.No. 5359 of 2014 ()

CC. NO.1330/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, NADAPURAM.

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PETITIONERS/ACCUSED:

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1. **MOHAMOOD, S/O.HASSAN,**
   AGED 27 YEARS, NADUKKANDY HOUSE,
   P.O. CHAKKIYAD, NADAPURAM, KOZHIKODE DISTRICT.

2. **SUHAIB, S/O.MOOSA, AGED 24 YEARS,**
   CHENOTH KANDIYIL HOUSE, P.O. CHAKKIYAD,
   NADAPURAM, KOZHIKODE DISTRICT.

BY ADVS.SRI. RAKESH ROSHAN K.,
SRI.THUSHARA V.

RESPONDENTS/RESPONDENTS:

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1. **STATE OF KERALA,**
   REPRESENTED BY PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM -31,
   (IN CRIME NO.22/2011 OF VALAYAM POLICE STATION,
   NOW PENDING AS CC.1330/2013 ON THE FILE OF JFCM,
   NADAPURAM), PIN-682 031.

2. **SUJITH @ MUTHU, S/O.KRISHNAN,**
   AGED 30 YEARS, RESIDING AT BEEBUMKUZHIYIL,
   P.O CHAKKIYAD, NADAPURAM, KOZHIKODE DISTRICT-673 525.

3. **VINEESH, S/O.KUMARAN, AGED 29 YEARS,**
   VANNANTEPARAMBATH, P.O. CHAKKIYAD,
   NADAPURAM, KOZHIKODE DISTRICT-673 525.

4. **REMITH, S/O.KUMARAN, AGED 28 YEARS,**
   VAZHAVECHA PARAMBATH, P.O. CHAKKIYAD,
   NADAPURAM, KOZHIKODE DISTRICT-673 525.

R1 BY PUBLIC PROSECUTOR SRI.N. SURESH.
R2 TO R4 BY ADV. SRI.MANSOOR.B.H.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 16-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

ANNEXURE 1.	**COPY OF THE CHARGE FILED IN CRIME NO.22/2011 OF VALAYAM POLICE STATION NOW PENDING BEFORE THE JFCM, NADAPURAM AS. NO. 1330/2013.**
ANNEXURE 2.	**ORIGINAL OF THE AFFIDAVIT SWORN BY THE RESPONDENTS NO.2 TO 4.**
ANNEXURE 3.	**COPY OF THE WITNESS LIST.**

RESPONDENT'S ANNEXURES:- **NIL.**

//TRUE COPY//

P.A. TO JUDGE

rs.

ALEXANDER THOMAS, J.

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Crl.M.C No.5359 of 2014

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Dated this the 16th day of July, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.22/2011 of Valayam Police Station, registered under Sections 143, 147, 148, 341, 323, 324 r/w 149 of 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 grievance or complaint. The other persons who sustained injuries in the alleged incident are the respondents 3 and 4. They have also filed affidavit to the effect that they have settled the dispute with the accused and they have no grievance or complaint now. Moreover, it is stated by the petitioner that all the other remaining co-accused in the instant crime have already been acquitted by the trial court earlier.

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 No.22/2011 of Valayam Police Station, including all

further proceedings arising out of C.C.No.1330/13 on the file of the Judicial First Class Magistrate Court, Nadapuram pending against the petitioners 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