

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937

Crl.MC.No. 5923 of 2014 ()

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CP.NO. 39/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, ADOOR,  
PATHANAMTHITTA DISTRICT  
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PETITIONER(S)/ACCUSED NOS.1-7 :  
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1. PRAVEENKUMAR @ JITHU,  
S/O.CHANDRASHEKHARAN PILLAI,AGED 28 YEARS,  
MALLIKA NIVAS, ENADIMANGALAM, ADOOR.
2. AKHIL MOHANAN,S/O.MOHANANPILLAI, AGED 22 YEARS,  
ASWATHI BHAVAN, ENADIMANGALAM, ADOOR.
3. SREERAJ, S/O.RAJAN, AGED 27 YEARS,  
SREERAJ BHAVAN, ENADIMANGALAM, ADOOR.
4. VIPIN @ VIPI,S/O.VIKRAMAN PILLAI, AGED 25 YEARS,  
KUDATHINAL VEEDU, ENADIMANGALAM, ADOOR.
5. GEORGE VARUGHESE @ SUNUKUTTAN,  
S/O.VARUGHESE CHACKO,AGED 33 YEARS,  
GEORGE NIVAS, ENADIMANGALAM, ADOOR.
6. PRABHULLA RAJ @ VISHNU,S/O.SADASHIVAN PILLAI,AGED 23 YEARS,  
UNNIBHAVANAM, ENADIMANGALAM, ADOOR.
7. SARATH,S/O.DHANARAJAN,AGED 24 YEARS,  
SARATH BHAVAN, ENADIMANGALAM, ADOOR.

BY ADV. SRI.MANSOOR.B.H.

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT/INJURED :  
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1. STATE OF KERALA,  
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,  
ERNAKULAM -682 031. (THROUGH STATION HOUSE OFFICER,  
ENATHU POLICE STATION, PATHANAMTHITTA DISTRICT)
2. ANOOP K. NAIR,S/O.KRISHNA PILLAI, AGED 34 YEARS,  
ANU BHAVAN, KUNNIDA, ENADIMANGALAM, ADOOR -689 648.

R1 BY PUBLIC PROSECUTOR SRI.N.SURESH  
R2 BY ADV. SRI.B.H.ANSIL

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 03-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**Crl.MC.No. 5923 of 2014 ()**  
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**APPENDIX**

**PETITIONER(S)' ANNEXURES:**  
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**ANNEX A. COPY OF FINAL REPORT IN CRIME NO.1075/2012 OF ENATHU POLICE  
STATION.**

**RESPONDENT(S)' ANNEXURES:** **NIL**  
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**/TRUE COPY/**

**P.A.TO JUDGE**

**sts**

ALEXANDER THOMAS, J.

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Crl.M.C.No.5923 of 2014

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Dated this the 3<sup>rd</sup> day of July, 2015

O R D E R

The petitioners are the accused in the impugned Annexure-A Final Report/Charge Sheet filed in Crime No.1075/2012 of Enathu Police Station, Pathanamthitta registered for offences punishable under Sections 143, 147, 148, 341, 308 read with 149 of Indian Penal Code which has led to the institution of C.P.No.39/2013 on the file of the Judicial First Class Magistrate Court-I, Adoor. 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 2<sup>nd</sup> 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. 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. From a reading of the impugned investigation materials it is discernible that the genesis of the dispute appears to be between the members of the organisation of RSS on the one side and the members of the DYFI

which is the Youth Wing of political party CPI(M) on the other side.

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 Annexure-A Final Report/Charge Sheet filed in Crime No.1075/2012 of Enathu Police Station, which has led to the institution of C.P.No.39/2013 on the file of the Judicial First Class Magistrate Court, Adoor, Pathanamthitta 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

MJL