

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 7TH DAY OF JULY 2015/16TH ASHADHA, 1937

Crl.MC.No. 6573 of 2014 ()

CC. NO.2521/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT -I, HOSDURG.
CRIME NO. 1206/2011 OF HOSDURG POLICE STATION, KASARAGOD DISTRICT.
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PETITIONERS/ACCUSED 1 TO 8:

- 1. RASHEED M., AGED 25 YEARS,
S/O.ABOOBACKER B.K, RESIDING AT MADAMBILLATH HOUSE,
MURIYANAVI, KANHANGAD VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT.**
- 2. NISSAR M., AGED 25 YEARS,
S/O.B.K.ABOOBACKER, RESIDING AT MADAMBILLATH HOUSE,
MURIYANAVI, KANHANGAD VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT.**
- 3. RAFEEQ, AGED 38 YEARS,
S/O.ARAMBI, RESIDING AT BAITHUL AYISHA HOUSE,
SAMSAM NAGAR, KANHANGAD VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT.**
- 4. NISSAR N.K., AGED 33 YEARS,
S/O.ARAMBI, RESIDING AT BAITHUL AYISHA HOUSE,
SAMSAM NAGAR, KANHANGAD VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT.**
- 5. SADDIQ T.P., AGED 21 YEARS,
S/O.MUSTHAFA HAJI, RESIDING AT T.P. HOUSE,
MURIYANAVI, KANHANGAD VILLAGE,
HOSDURG TALUK, KASARAGOD DISTRICT.**
- 6. ISHAM P., AGED 30 YEARS,
S/O.ISHAM MANZIL, BABA NAGAR, KANHANGAD VILLAGE,
HOSDURG TALUK, KASARAGOD DISTRICT.**
- 7. SAVAD P., AGED 30 YEARS,
S/O.SULAIMAN, RESIDING AT KANDATHIL HOUSE,
KALLURAVI, KANHANGAD VILLAGE,
HOSDURG TALUK, KASARAGOD DISTRICT.**
- 8. SHAFEEQ M., AGED 26 YEARS,
S/O.USSAINAR, RESIDING AT BABA NAGAR,
KANHANGAD VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT.**

BY ADV. SRI.T.MADHU.

RESPONDENTS/STATE:

**1. CHANDRAN. N., AGED 59 YEARS,
S/O.KOTTAN, RESIDING AT MURIYANAVI, KANHANGAD,
HOSDURG TALUK, KANHANGAD. P.O.,
KASARAGOD DISTRICT-671 121.**

**2. THE STATE OF KERALA,
THROUGH THE STATION HOUSE OFFICER,
HOSDURG POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**

**R1 BY ADV. SMT.BINDUMOL JOSEPH.
R2 BY PUBLIC PROSECUTOR SRI.N. SURESH.**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 07-07-2015, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- ANNEXURE A1- THE TRUE COPY OF THE FIR IN CRIME NO.1206/2011 OF HOSDURG POLICE STATION.**
- ANNEXURE A2- THE CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.1206/2011 OF HOSDURG POLICE STATION.**
- ANNEXURE A3- THE COMMUNICATION DATED 13.11.2014 ISSUED BY THE INDIAN UNION MUSLIM LEAGUE, KANHANGAD MUNICIPAL COMMITTEE.**
- ANNEXURE A4- THE COMMUNICATION DATED 14.11.2014 ISSUED BY THE CPIM HOSDURG LOCAL COMMITTEE.**
- ANNEXURE A5- THE AFFIDAVIT DATED 30.10.2014 SWORN IN BY THE 1ST RESPONDENT.**
- ANNEXURE A6- THE TRUE COPY OF THE MEMO OF EVIDENCE IN CRIME NO.1206/2011 OF HOSDURG POLICE STATION.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

ALEXANDER THOMAS, J.
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Crl.M.C No.6573 of 2014
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Dated this the 7th day of July, 2015
ORDER

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.1206 of 2011 of Hosdurg Police Station, registered under Sections 143, 147, 148, 447, 427, 153(A) 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 1st 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.

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 crime No.1206 of 2011 of Hosdurg Police Station, including all further proceedings arising out of C.C.No.2521/2013 on the file of Judicial First Class Magistrate's Court-I, Hosdurg 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

