

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

Crl.MC.No. 7456 of 2014

CRIME NO. 342/2014 OF BEDAKOM POLICE STATION , KASARGOD

PETITIONER(S)/ACCUSED 1-3:

1. SIVAN M., AGED 21 YEARS,
S/O.RAJAN PANICKER, R/A HARI NILAYAM, KUTTIKKOL,
KUTTIKKOL VILLAGE, KASARAGOD DISTRICT.

2. HARI M, AGED 24 YEARS,
S/O.RAJAN PANICKER, R/A.HARI NILAYAM, KUTTIKKOL
KUTTIKKOL VILLAGE, KASARAGOD DISTRICT.

3. SIJIL KUMAR T K, AGED 20 YEARS,
S/O.KUNHIRAMAN, R/A.MEETHAL VEEDU, KUTTIKKOL
KUTTIKKOL VILLAGE, KASARAGOD DISTRICT.

* ADDL.4TH PETITIONER IMPEADED

4. RAJEEVAN, S/O.P.KUNHAMBUR, AGED 23 YEARS,
R/AT ABDUKKOM HOUSE, KUTTIKKOL, KASARAGOD DISTRICT.

IS IMPEADED AS ADDL.4TH PETITIONER AS PER ORDER DATED 9/4/15 IN
CRL.MA.3291/2015 IN CRL.MC.7456/2014

BY ADV. SRI.KODOTH SREEDHARAN

RESPONDENT/COMPLAINANT:

1. STATE OF KERALA,
THROUGH THE STATION HOUSE OFFICER,
BEDAKAM POLICE STATION, REP BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.

2. AHAMMED ZAHEER,
S/O.MOOSA, R/A.MAIDANIKKAL HOUSE, BEDADKA VILLAGE,
KASARAGOD DISTRICT-671121.

R1 BY PUBLIC PROSECUTOR SMT.S.HYMA
R2 BY ADV. SMT.C.B.SUMA DEVI

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 04-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 7456 of 2014

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE I:- TRUE COPY OF THE FIR IN CRIME NO 342/2014 OF BEDAKAM POLICE
STATION, KASARAGOD DIST 26/6/2014**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.

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Crl.M.C.No. 7456 of 2014

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Dated this the 4th day of June, 2015

O R D E R

The petitioners seek orders quashing the impugned Anx.I F.I.R in Crime No.342/2014 of Bedakam Police Station, Kasargod district, registered for offences under Secs.341, 324, 308 read with Sec.34 of the I.P.C. It is stated that now the entire disputes between the petitioners and the 2nd respondent defacto complainant have been settled amicably. The 2nd respondent has sworn to affidavit dated 25.11.2014 before this Court to the effect that he has settled the whole disputes with the petitioners and he has no objection for quashment of the impugned criminal proceedings against the petitioners. It is in the light of these aspects that the petitioners have 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 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) 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.I F.I.R in Crime No.342/2014 of Bedakam Police Station and all further proceedings arising therefrom pending against the petitioners herein will stand

quashed under Sec. 482 of the Code of Criminal Procedure.

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