

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 31ST DAY OF JULY 2015/9TH SRAVANA, 1937

CrI.MC.No. 4848 of 2015 ()

-----  
CC.NO. 1656/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT -I,HOSDURG  
CRIME NO. 543/2012 OF CHANDERA POLICE STATION , KASARGOD DISTRICT  
-----

PETITIONER(S)/ACCUSED 1 TO 6:  
-----

1. ABDUL SAMEER A.G., AGED 26 YEARS,  
S/O. ABDUL RAHIMAN, RESIDING AT RAHIMA MANZIL,  
VADAKKAMPADU, NORTH TRIKARIPUR VILLAGE, HOSDURG TALUK,  
KASARAGOD DISTRICT.
2. SUHAIL MUHAMMED.A.,AGED 22 YEARS,  
S/O. MUHAMMED K.P., RESIDING AT SUHAIL MAHAL,  
VADAKKAMPADU, NORTH TRIKARIPUR VILLAGE, HOSDURG TALUK,  
KASARAGOD DISTRICT.
3. SHAMSHAD V.P.M @ SHAMSEER, AGED 23 YEARS,  
S/O. SHAMSUDEEN, RESIDING AT SAINABA MANZIL,  
VADAKKAMPADU, NORTH TRIKARIPUR VILLAGE, HOSDURG TALUK,  
KASARAGOD DISTRICT.
4. SAFEER.K, AGED 26 YEARS,  
S/O. ABDUL SHUKOOR, RESIDING AT FATHIMA VILLA,  
VADAKKAMPADU, NORTH TRIKARIPUR VILLAGE, HOSDURG TALUK,  
KASARAGOD DISTRICT.
5. ABDUL KHADER.N., AGED 24 YEARS,  
S/O. MAHMOOD, RESIDING AT JAMEELA MANZIL, VADAKKAMPADU,  
NORTH TRIKARIPUR VILLAGE, HOSDURG TALUK,  
KASARAGOD DISTRICT.
6. A.G.KUNHABDULLA, AGED 27 YEARS,  
S/O. ABDUL SALAM, RESIDING AT SAREENA MANZIL,  
VADAKKAMPADU, NORTH TRIKARIPUR VILLAGE, HOSDURG TALUK,  
KASARAGOD DISTRICT.

BY ADV. SRI.T.MADHU

RESPONDENT(S)/STATE:  
-----

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

Crl.MC.No. 4848 of 2015

2. ANUMOD P.V, AGED 40 YEARS,  
S/O. KARUNAKARAN, RESIDING AT PADINHARE VENGALAT,  
KOYANKARA, NORTH TRIKARIPUR VILLAGE, HOSDURG TALUK,  
KASARAGOD DISTRICT - 671 131.

R1 BY PUBLIC PROSECUTOR SRI.GITHESH.R.  
R2 BY ADV. SMT.G.SANGEETHA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 31-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

sts

**Crl.MC.No. 4848 of 2015 ()**  
-----

**APPENDIX**

**PETITIONER(S)' ANNEXURES:**  
-----

- ANNEX A1 - THE TRUE CERTIFIED COPY OF THE FIR IN CRIME NO. 543/2012 OF CHANDERA POLICE STATION.**
- ANNEX A2 - THE TRUE CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 543/2012 OF CHANDERA POLICE STATION.**
- ANNEX A3 - THE AFFIDAVIT DT. 21.7.2015 SWORN IN BY THE 2ND RESPONDENT.**
- ANNEX A4 - THE TRUE CERTIFIED COPY OF THE MEMO OF EVIDENCE IN CRIME NO. 543/2012 OF CHANDERA POLICE STATION.**

**RESPONDENT(S)' ANNEXURES:** **NIL**  
-----

**/TRUE COPY/**

**P.A.TO JUDGE**

**sts**

ALEXANDER THOMAS, J.

-----  
Crl.M.C.No.4848 Of 2015  
-----

Dated this the 31<sup>st</sup> day of July, 2015.

ORDER

The petitioners herein are accused Nos.1 to 6 in Crime No.543/2012 of Chandra Police Station, which is now pending as C.C.No.1656/2012 on the file of the Judicial First Class Magistrate Court-I, Hosdurg for the alleged offences punishable under Secs.143, 147, 148, 452, 427 r/w 149 IPC. The prosecution allegation is that the accused persons due to political enmity towards the defacto complainant trespassed into the Branch Committee Office of the CPIM at Koyonkara and destroyed valuables amounting to Rs.15,000/- and threatened the defacto complainant and thus committed the offences. It is now submitted that the matter has been settled between the petitioners and the defacto complainant (2<sup>nd</sup> respondent) has sworn to Anx.A3 affidavit stating that the matter has been settled and he does not have any subsisting grievance against the petitioners and that he has no objection in quashing the impugned criminal proceedings pending against the petitioners. It is in the light of these aspects that the prayer

Crl.M.C.No.4848 Of 2015

for quashment of the impugned criminal proceedings has been made by the petitioner in the instant Crl.M.C.

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

CrI.M.C.No.4848 Of 2015

particularly paragraph 29 thereof, could be applied in this case to consider the prayer for quashment.

3. Accordingly, it is ordered in the interest of justice that the impugned Anx-A2 final report/charge sheet filed in Crime No.543/2012 of Chandera Police Station, which is now pending as C.C.No.1656/2012 on the file of the Judicial First Class Magistrate Court-I, Hosdurg, and all further proceedings arising therefrom pending against the petitioners herein stand quashed under Sec.482 of the Code of Criminal Procedure.

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

ALEXANDER THOMAS,  
Judge.

bkn/-