

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 30TH DAY OF AUGUST 2019 / 8TH BHADRA, 1941

Cr1.MC.No.45 OF 2019 (E)

CRIME NO.478/2018 OF POOYAPPALLY POLICE STATION, KOLLAM

PETITIONERS/ACCUSED:

- 1 SOORAJ @ KUNJAN (1ST ACCUSED)
 AGED 19 YEARS
 S/O.PRASANNAKUMARAN PILLA N.,
 SREE BHAVAN, POOYAPPALLY,
 KATTADI JN., KATTADI P.O.,
 KOLLAM DISTRICT-691537.
- 2 ANANDAKRISHNAN (2ND ACCUSED)
 AGED 20 YEARS
 S/O.P.KRISHNA PILLAI, K.G.BHAVAN,
 KOZHIKODE, KATTADI P.O.,
 KOLLAM DISTRICT-691537.
- 3 SAJAN (3RD ACCUSED)
 S/O.SAHADEVAN, POIKAVILAVEEDU,
 KATTADI P.O., KOLLAM DISTRICT-691537.
- 4 ARUN (4TH ACCUSED)
 AGED 18 YEARS
 S/O.ARAVIDAKSHAN G.,
 MULAKKAL THEKKATHIL VEEDU,
 KATTADI P.O., OYUR,
 KOLLAM DISTRICT-691537.

BY ADVS.
SMT.SREEDEVI KYLASANATH
SRI.ACHUTH KYLAS
SRI.R.MAHESH MENON
SRI.DEAGO JOHN K

RESPONDENTS/STATE & COMPLAINANT:

- 1 STATE OF KERALA
 REPRESENTED BY PUBLIC PROSECUTOR,
 HIGH COURT OF KERALA,
 ERNAKULAM-682031.

2 AMBILI,
 AGED 52 YEARS
 D/O.KRISHNAMMAL,
 RESIDING AT SARIKA BHAVAN,
 KATTADI WARD, KATTADI P.O.,
 KOZHIKODU MURI,
 POOYAPPALLY VILLAGE,
 KOTTARAKKARA TALUK,
 KOLLAM DISTRICT-691537.

R2 BY ADV. SRI.R.RANJITH (MANJERI)
SRI.AMJAD ALI, PUBLIC PROSECUTOR FOR R1

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
30.08.2019, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ALEXANDER THOMAS, J.

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Cr1.M.C.No.45 of 2019

Dated this the 30th day of August, 2019

ORDER

The petitioners herein have been arrayed as accused Nos.1 to 4 in Annexure-A1 FIR in Crime No.478/2018 of Pooyappally Police Station, Kollam Rural, which has been registered for offences punishable under Secs.341, 323, 354B and 354 read with Sec.34 of the IPC. It is stated that now the entire disputes between the petitioners herein and the 2nd respondent de facto complainant have been settled amicably and that the 2nd respondent sworn to Annexure-A2 affidavit before this Court, wherein it is stated that she has settled the entire disputes with the petitioners and that they have no objection for quashment of the impugned criminal proceedings pending against the petitioners. It is in the light of these aspects that the petitioners have preferred the instant Cr1.M.C. with the prayer to quash the impugned criminal proceedings against them.

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, it is ordered in the interest of justice that the impugned Annexure-A1 FIR in Crime No.478/2018 of Pooyappally Police Station, Kollam Rural and all further proceedings arising therefrom pending against all the accused will stand quashed.

4. Petitioners will produce certified copies of this order to the Investigating Officer concerned and the competent court below concerned. Office of Advocate General will forward a copy of this order to the

Investigating Officer concerned, for necessary information.

With these observations and directions, the above Criminal Miscellaneous Case stands finally disposed of.

sd/-
ALEXANDER THOMAS
JUDGE

vgd

APPENDIX

PETITIONER'S/S EXHIBITS:

ANNEXURE A1 CERTIFIED COPY OF F.I.R.NO.478 OF 2018
DATED 16.03.2018.

ANNEXURE A2 NOTARISED COPY OF THE AFFIDAVIT SIGNED BY
THE 2ND RESPONDENT DATED 24.11.2018.