

Alias, vs State of Kerala

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Court : Kerala

Decided On : Aug-09-2019

Judge : Honourable Mr. Justice Alexander Thomas

Appeal No. : Crl.MC/791/2019

Appellant : ALIAS,

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS FRIDAY,
THE 9TH DAY OF AUGUST 2019 / 18TH SRAVANA, 1941 CRL.MC.NO.791 OF
2019(H) CRIME NO.77/2019 OF PERUMBAVOOR POLICE STATION ,
ERNAKULAM PETITIONERS/ACCUSED:

1 ALIAS, AGED 56 YEARS, 2 YOHANNAN, AGED 53 YEARS, 3
GEORGE KUTTY, AGED 38 YEARS, 4 ELDHOKUNJU, AGED 34
YEARS, VELLARAMPARAKUZHI HOUSE, PERIMANI KARA, 5 ABY,
AGED 30 YEARS, VELLARAMPARAKUZHI HOUSE, PERIMANI KARA,
6 LAIJU, AGED 28 YEARS, S/O.YOHANNAN, VELLARAMPARAKUZHI
HOUSE, PERIMANI KARA, ARACKAPPADY VILLAGE,

PERUMBAVOOR,ERNAKULAM DISTRICT. BY ADVS.SMT.RESMI
THOMAS,SMT.A.P.BEELAMMA

RESPONDENTS/STATE/COMPLAINANT:

1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM, PIN-682031. 2
VIJAYAKUMARI, AGED 50 YEARS, W/O ELIAS,
VELLARAMPARAKKUZHY HOUSE, ARACKAPPADY VILLAGE,
PERUMBAVOOR, ERNAKULAM DISTRICT, PIN-683542. 3 SANDEEP,
AGED 25 YEARS, S/O ALIYAS,VELLARAMPARAKUZHY HOUSE,
ARACKAPPADY VILLAGE, PERUMBAVOOR, ERNAKULAM
DISTRICT, PIN-683542. SMT.M.N.MAYA, PUBLIC PROSECUTOR
FOR R1 R2 & R3 BY ADV. SRI.K.S.ARUNKUMAR (LEGAL AID
COUNSEL) R2 & R3 BY ADV. SRI.JUSTINE JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
09.08.2019, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ALEXANDER THOMAS, J.

----- Crl.M.C. No. 791 of 2019 -----

Dated this the 9th day of August, 2019

ORDER

The petitioners herein are the accused in the impugned

Anx.I FIR in Crime No.77/2019 of Perumbavoor Police Station, Ernakulam district,
registered for offences punishable under Secs.341, 323, 294(b), 506(i), 451, 141,
143 & 149 of the IPC. It is stated that now the entire disputes between the
petitioners and the respondents 2 & 3 have been settled amicably and that the
respondents 2 & 3 have sworn to Anxs.II & III affidavits respectively before this
Court, wherein it is stated that they have 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 Crl.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, ..4..

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 ..5..

the impugned Anx.I FIR in Crime No.77/2019 of Perumbavoor Police Station, Ernakulam district, and all further proceedings arising therefrom pending against the accused persons will stand

quashed. The petitioners will produce certified copies of this order

before Investigating Officer concerned and the competent court below concerned. The office of the Advocate General will forward copy of this order to the

Investigating Officer concerned for information.

With these observations and directions, the Criminal Miscellaneous Case stands finally disposed of. Sd/- ALEXANDER THOMAS, JUDGE MMG ..6.. APPENDIX PETITIONERS' EXHIBITS: ANNEXURE I CERTIFIED COPY OF THE FIR IN CRIME NO.77/2019 OF PERUMBAVOOR POLICE STATION, ERNAKULAM DISTRICT. ANNEXURE II COPY OF THE AFFIDAVIT SWORN BY THE SECOND RESPONDENT. ANNEXURE III COPY OF THE AFFIDAVIT SWORN BY THE THIRD RESPONDENT.

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