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Purushan, vs Arya

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SooperKanoon Citation : sooperkanoon.com/1868437

Court : Kerala

Decided On : Aug-30-2019

Judge : Honourable Mr. Justice Alexander Thomas

Appeal No. : Crl.MC/1331/2019

Appellant : Purushan,

Respondent : ARYA

Judgement :

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 CRIME NO.1454/2018 OF AROOR POLICE STATION, ALAPPUZHA PETITIONERS/ACCUSED NO.1 AND 2: 1 PURUSHAN, AGED 51 YEARS S/O. KESAVAN, KUMMANKATTU NIKARTH, CHANDHIROOR P.O, ALAPPUZHA. 2 VISHNU AGED 26 YEARS S/O PURUSHAN, KUMMANKATTU NIKARTH, CHANDHIROOR P.O., ALAPPU. BY ADV. SRI.T.KABIL CHANDRAN RESPONDENT/DE FACTO COMPLAINANT & STATE: 1 ARYA AGED 22 YEARS, D/O. SARASWATHY, THATTUPURACKAL HOUSE, CHERUVARANAM P.O, THANEERMUKKOM NORTH VILLAGE, CHERTHALA, APLAPPUZHA.

2 THE SUB INSPECTOR AROOR POLICE STATION, REPRESENTED THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA - 682 031 SRI.K.S.SREENATH FOR R1, SRI.AMJAD ALI, PUBLIC PROSECUTOR FOR R2 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.

========== Crl.M.C.No.1331 of 2019
---------- Dated this the 30th day of August, 2019

ORDER

Petitioners herein have been arrayed as accused Nos.1 and 2 in

Annexure-A1 FIR in Crime No.1454/2018 of Aroor Police Station, Alappuzha, which has been registered for offences punishable under Secs.354, 354B, 294(b), 323 & 506 read with Sec.34 of the IPC. It is stated that now the entire disputes between the petitioners herein and the 1st respondent de facto complainant have been settled amicably and that the 1st respondent has sworn to Annexure-A3 affidavit before this Court, wherein it is stated that she has settled the entire disputes with the petitioners and that she has 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, 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.1454/2018 of Aroor Police Station, Alappuzha and all further proceedings arising therefrom pending

against all the accused will stand quashed. 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 THE CERTIFIED COPY OF THE FIR IN CRIME ANNEXURE A2 THE TRUE COPY OF THE AGREEMENT DATED AND THE IST RESPONDENT. ANNEXURE A3 THE ORIGINAL COPY OF THE AFFIDAVIT FILED BY THE 1ST RESPONDENT.

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