

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ALEXANDER THOMAS

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937

Crl.MC.No.663 of 2015

CRIME NO.1249/2014 OF PALARIVATTOM POLICE STATION,ERNAKULAM.

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PETITIONER:

**ARJUN M.R,S/O.RADHAKRISHNAN,AGED 27 YEARS,
VADAKKEMADAVANA HOUSE,ALINCHUVADU,
VENNALA,KOCHI - 28,NOW RESIDING AT MADASSERIL HOUSE,
NSS KARAYOGAM ROAD,PETTA,THRIPUNITHURA.**

BY ADV.SRI.G.SURESH KUMAR (EKM)

RESPONDENT'S:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM.**
- 2. CHIRAMEL AND COMPANY,JNI STADIUM,KALLOOR,COCHIN -17,
REPRESENTED BY ITS MANAGING PARTNER JAYALAL C.V.,
S/O.LATE C.J.VARGHESE,ALAPPATT CHIRAMEL,KOOVAPPADY,
PERUMBAVOOR.**

**R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.R2 BY
ADVS.SRI.V.JOHN SEBASTIAN RALPH
SMT.PREETHY KARUNAKARAN
SRI.K.J.JOSEPH (ERNAKULAM)
SRI.V.JOHN THOMAS**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 05-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONER'S ANNEXURES:

- A1: TRUE COPY OF THE COMPLAINT DATED 28/8/2014.**
- A2: TRUE COPY OF FIR NO.1249/2014 DATED 31/8/2014.**
- A3: TRUE COPY OF THE AGREEMENT DATED 6/12/2014.**
- A4: TRUE COPY OF RECEIPT DATED 6/12/2014.**
- A5: TRUE COPY OF THE ORIGINAL ORDER IN B.A NO.7136/2014
DATED 12/12/2014.**
- A6: TRUE COPY OF THE BANKERS CHEQUE NO.268572 DATED 12/1/2015.**
- A7: TRUE COPY OF RECEIPT DATED 12/1/2015.**

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C.No. 663 of 2015

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Dated this the 5th day of June, 2015

ORDER

The petitioner seeks orders quashing the impugned Anx.A-2 FIR in Crime No.1249/2014 of Palarivattom Police Station, registered for offences under Secs.102B, 406, 408, 420, 468 and 471 read with Sec. 34 of the I.P.C., which was instituted on the basis of Anx.A-1 complaint filed by the 2nd respondent defacto complainant. It is stated that now the entire disputes between the petitioner and the 2nd respondent defacto complainant have been settled amicably as borne out by Anx.A-3 agreement and Anxs. A-4 and A7 receipts, etc. It is submitted by the learned counsel for the 2nd respondent that, as agreed to between the parties, the 2nd respondent has no objection for quashment of the impugned criminal proceedings against the petitioner. It is in the light of these aspects that the petitioner has preferred the instant Crl.M.C. with the prayer to quash the impugned criminal proceedings against him.

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 continuance of 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 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.A-2 FIR in Crime No.1249/2014 of Palarivattom Police Station and all further proceedings arising therefrom pending against the petitioners stand

quashed.

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