

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

Crl.MC.No. 2504 of 2015 ()

CRIME NO. 425/2015 OF NEDUMANGAD POLICE STATION, THIRUVANANTHAPURAM

PETITIONER/ACCUSED:

**MURALEEDHARAN PILLAI,
S/O.VASUDEVAN PILLAI, AGED 49 YEARS,
KKNRA-4C, FUTURE GARDENS,
PALLIMUKKU, VAZHAYILA, KARAKULAM,
THIRUVANANTHAPURAM.**

BY ADV. SRI.B.MOHANLAL

RESPONDENTS/COMPLAINANT & STATE:

- 1. STATE,
REPRESENTED BY THE STATION HOUSE OFFICER,
NEDUMANGAD POLICE STATION IN THIRUVANANTHAPURAM DISTRICT,
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**
- 2. SRI.SIJU,S/O.SIVAN, AGED 37 YEARS,
THEKKEPURAKKALVEEDU, KANTASANKADAVU,
VILAKKUMKAL, KARAMAKKU VILLAGE, THRISSUR-688 001.**

**R1 BY PUBLIC PROSECUTOR SMT. S.HYMA
R2 BY ADV. SRI.P.LEAN JOSE**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 22-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

Crl.MC.No. 2504 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX-A1 THE TRUE COPY OF THE F.I.R. AND F.I.S.IN CRIME NO.425/2015 OF THE
NEDUMANGAD POLICE STATION, REGISTERED BY THE 1ST
RESPONDENT.**

**ANNEX-A2 THE TRUE COPY OF THE AFFIDAVIT FILED BY THE 2ND RESPONDENT
DATED 20/04/2015.**

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

/TRUE COPY/

P.S.TO JUDGE

sts

ALEXANDER THOMAS, J.

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Crl.M.C No.2504 of 2015

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Dated this the 22nd day of June, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No. 425 of 2015 of Nedumangad Police Station, registered under Sections 294(b), 326 and 307 of the I.P.C. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the de facto complainant out of court. The de facto complainant is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. He has filed affidavit to the effect that he has settled the whole dispute with the accused and he has no grievance or complaint.

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.

Accordingly, the impugned F.I.R and further proceedings arising out of Crime No. 425 of 2015 of Nedumangad Police Station, pending on the file of the Judicial First Class Magistrate Court-II, Nedumangad as against the petitioner herein will stand quashed under Section 482 of the Code of Criminal Procedure.

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

sab

sd/-
ALEXANDER THOMAS, JUDGE

