

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. 2509 of 2015

CRIME NO. 441/2015 OF NEDUMANGAD POLICE STATION , THIRUVANANDAPURAM

PETITIONER(S)/ACCUSED:

**SIJU, AGED 37 YEARS,
S/O SIVAN, THEKKEPURAKKAL VEEDU, KANDASSANKADAVU
VILAKKUMKAL, KARAMUKKU VILLAGE, THRISSUR DISTRICT.**

BY ADV. SRI.P.LEAN JOSE

RESPONDENT(S)/COMPLAINANTS:

- 1. STATION HOUSE OFFICER,
NEDUMANGAD POLICE STATION, TRIVANDRUM,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**
- 2. SREEKALA DEVI,
D/O SARASWATHY AMMA, FUTURE GARDENS, PALLIMUKKU,
VAZHAYILA, KARAMKULAM VILLAGE, TRIVANDRUM-691502.**

**R2 BY ADV. SRI.B.MOHANLAL
R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE**

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

PJ

Crl.MC.No. 2509 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE 1: TRUE COPY OF THE F.I.S. IN CRIME NO.441/2015 OF NEDUMANGAD
POLICE TRIVANDRUM.**

**ANNEXURE 2: TRUE COPY OF THE F.I.R. IN CIRME NO.441/2015 OF NEDUMANGAD
POLICE TRIVANDRUM.**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.

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Crl.M.C No.2509 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, Trivandrum registered under Sections 294 (b), 506 (1), 447 and 308 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. She has filed affidavit to the effect that she has settled the whole dispute with the accused and she 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, Trivandrum 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.

sd/-

sab

ALEXANDER THOMAS, JUDGE

“Crime No.425 of 2015” occurring in the second line of first paragraph at page 1 and in the second line of penultimate paragraph at page 2 of the final order dated 22/06/2015 in Crl.M.C 2509/2015 is corrected and substituted as “Crime No.441/2015” as per order dated 14.10.2015 in Crl.M.A No.9834/2015 in Crl.M.C No.2509/2015.

sd/-
Registrar (judicial)

