

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 30TH DAY OF JUNE 2015/9TH ASHADHA, 1937

Crl.MC.No. 2747 of 2015 ()

CRIME NO. 226/2014 OF VIDYANAGAR POLICE STATION, KASARAGOD.

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PETITIONER/ACCUSED NO.3::

**JOHN PETER, AGED 35 YEARS,
S/O.JOHN ROBERT, A-10, S.P.NAGAR,
11 KS GARDEN, EDAYARPALAM ROAD,
KAVUNDAMPALAYAM, COIMBATORE.**

BY ADV. SRI.S.JIJI.

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. AHAMMED, S/O.THURUTHY HAMEED, AGED 24 YEARS,
THAIVALAPPU HOUSE, ALAMPADY,
ALAMPADY VILLAGE, KASARAGOD.**

**R1 BY PUBLIC PROSECUTOR SRI.N. SURESH.
R2 BY ADV. SMT.K.S.SANTHI.**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 30-06-2015, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

**ANNEXURE A1: TRUE COPY OF F.I.R IN CR.226/2014 OF VIDYANAGAR
POLICE STATION.**

ANNEXURE A2: TRUE COPY OF THE AGREEMENT DATED 20/03/2015.

**ANNEXURE A3: AFFIDAVIT DATED 20/03/2015 SWORN BY THE
2ND RESPONDENT.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

ALEXANDER THOMAS, J.

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Crl.M.C No.2747 of 2015

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Dated this the 30th day of June, 2015

ORDER

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.226 of 2014 of Vidyanagar Police Station, registered under Sections 120 (b), 419, 420, 468 and 471 r/w 34 of IPC. 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.226 of 2014 of Vidyanagar Police Station, including all further proceedings pending 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