

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 29TH DAY OF MAY 2015/8TH JYAISHTA, 1937

Crl.MC.No. 3047 of 2015 ()

CP.NO. 6/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, PATHANAMTHITTA

PETITIONER :

**T.G.MATHEW
AGED 52 YEARS, S/O.T V GEORGE,
THADIYILETHU HOUSE, MARAMON MURI
THOTTAPPUZHASSERY VILLAGE, THIRUVALLA TALUK
PATHANAMTHITTA DISTRICT.**

BY ADV. SRI.M.V.S.NAMBOOTHIRY

RESPONDENTS :

**1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, PIN- 682031**

**2. SOJAN GEORGE VARGHESE
AGED 30 YEARS, S/O.T G VARGHESE,
THADIYILETHU HOUSE, MARAMON MURI
THOTTAPPUZHASSERY VILLAGE, THIRUVALLA TALUK
PATHANAMTHITTA DISTRICT, PIN – 689 105**

**R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE
R2 BY ADV. SRI.LALJI P. THOMAS**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.MC.No. 3047 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE A1:- TRUE COPY OF THE FINAL REPORT IN CRIME NO. 221/2004 OF
KOIPRAM POLICE STATION.**

**ANNEXURE A2:- TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE
COMPLAINANT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C. No.3047 of 2015

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Dated this the 29th day of May, 2015

O R D E R

The petitioner is the accused in Crime No.221/2004 of Koipram Police Station, Pathanamthitta District registered for offence under Section 308 of the IPC. The police after investigation submitted the impugned Annexure A1 final report in the above said crime which led to the pendency of C.P.No.6/2015 on the file of the Judicial First Class Magistrate Court-II, Pathanamthitta. The petitioner seeks orders quashing the final report and further proceedings in Crime No.221/2004 of Koipram Police Station, registered under Section 308 of the 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.

3. Accordingly, the impugned Annexure-A1 final report filed in Crime No.221/2004 of Koipram Police Station, which has led to the

institution of C.P.No.6/2015 on the file of Judicial First Class Magistrate Court-II, Pathanamthitta and all further proceedings arising therefrom 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/- ALEXANDER THOMAS, JUDGE

MJL

Crl.M.C. No.3047 of 2015

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ALEXANDER THOMAS, JUDGE

MJL