

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 6TH DAY OF JULY 2015/15TH ASHADHA, 193

Crl.MC.No. 2165 of 2014

S.C.NO.511/2010 OF ADDITIONAL DISTRICT COURT - III, PATHANAMTHITTA

PETITIONER(S)/1ST ACCUSED :

**RENJITH K.JAMES,
S/O.JAMES K.JOHN, KOOTHINETHU HOUSE,
PAYYANAMON P.O., KONNI.**

BY ADV. SMT.INDU SUSAN JACOB

RESPONDENT(S)/DEFACTO COMPLAINANTS :

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. MOHANAN, AGED 40 YEARS,
S/O.GANGADHARAN, MELEPUTHENVEETIL HOUSE,
PAYYANAMON P.O, KONNY THAZHAM MURI,
PATHANAMTHITTA DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SRI.N.SURESH
R2 BY ADV. SMT.ASHA ELIZABETH MATHEW**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 06-07-2015, ALONG WITH Crl.MC.No.2253 OF 2014, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A1: A TRUE COPY OF THE FIR NO.517 DATED 13.06.09 OF KONNI
POLICE STATION.**

ANNEXURE A2: A TRUE COPY OF THE FINAL REPORT DATED 30.10.2009.

**ANNEXURE A3: A TRUE COPY OF THE AFFIDAVIT OF DEFACTO
COMPLAINANT.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

=====

Crl.M.C No.2165 and 2253 of 2014

=====

Dated this the 6th day of July, 2015

ORDER

The petitioner in Crl.M.C No.2165 of 2014 is accused No.1 and the petitioner in Crl.M.C No.2253 of 2014 is accused No.2 in Crime No.517/2009 of Konny Police Station, registered under Sections 323, 294(b), 308 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 both these proceedings 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 and he has no objection for quashment of the impugned criminal proceedings pending against the petitioners.

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.517/2009 of Konni Police Station, including all further proceedings arising out of S.C.No. 511/2010 on the file of the Additional District Court –III, Pathanamthitta pending against the petitioners herein in Crl.M.C No.2165 of 2014 and Crl.M.C

No.2253 of 2014, 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