

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937

Crl.MC.No. 3438 of 2015

CRIME NO. 227/2015 OF SANTHANPARA POLICE STATION , IDUKKI DISTRICT

PETITIONER(S)/ACCUSED :

**VARGHESE, AGED 54 YEARS,
S/O.PATHROSE, KAVUMKUDIYIL, RAJAKUMARI,
IDUKKI DISTRICT.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRA KRISHNAN
SRI.V.VINAY**

RESPONDENT(S)/STATE AND INFORMANT (INJURED) :

**1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031,
(CRIME NO.227/2015 OF SANTHANPARA POLICE STATION,
IDUKKI DISTRICT).**

**2. RAJAN, AGED 46 YEARS,
S/O.MANI, KOLLUVELIL, RAJAKUMARI P.O.,
RAJAKUMARI, IDUKKI DISTRICT - 685 109.**

**R1 BY PUBLIC PROSECUTOR SMT.S.HYMA
R2 BY ADV. SRI.VINOD KUMAR.C**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 26-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

CrI.MC.No. 3438 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE I: CERTIFIED COPY OF THE FIRST INFORMATION REPORT IN
CRIME NO.227/2015 OF SANTHANPARA POLICE STATION,
IDUKKI DISTRICT.**

**ANNEXURE II: NOTARIZED AFFIDAVIT DATED 03.06.2015 SWORN BY
THE 2ND RESPONDENT.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

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CrI.M.C No.3438 of 2015

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Dated this the 26th day of June, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.227 of 2015 of Santhanpara Police Station, registered under Sections 294(b) 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.227 of 2015 of of Santhanpara 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

