

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

Crl.MC.No. 3447 of 2015

SC 153/2013 OF IVTH ADDITIONAL SESSIONS COURT, PALAKKAD

PETITIONER(S)/ACCUSED:

**RAJEEV K.R, AGED 26 YEARS,
S/O.RADHAKRISHNAN, KOTTATTUKUNNU,
MALESAMANGALAM.P.O.
TIRUWILLAMALA, THRISSUR.**

BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENT(S)/DEFACTO COMPLAINANT AND STATE:

- 1. SANKARANARAYANAN, AGED 57 YEARS,
S/O.NARAYANAN NAIR, SREEPRIYA HOUSE, KULAPPULLY,
PALAKKAD DISTRICT. 678 545.**
- 2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.682 031.**

**R1 BY ADV. SRI.P.M.RAFIQ
R2 BY PUBLIC PROSECUTOR SRI.N.SURESH**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

Crl.MC.No. 3447 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES

ANNEXURE A- THE TRUE COPY OF THE FINAL REPORT IN CRIME NO.776/2012 OF SHORNUR POLICE STATION OF PALAKKAD DISTRICT IN S.C.NO.153/2013 ON THE FILE OF THE IVTH ADDL.SESIONS JUDGE, PALAKKAD.

ANNEXURE B- AFFIDAVIT SWORN BY THE 1ST RESPONDENT HEREIN EVIDENCING THE AFORESAID SETTLEMENT.

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.

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Crl.M.C No.3447 of 2015

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Dated this the 29th day of June, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.776 of 2012 of Shornur Police Station, registered under Sections 452, 326 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 1st 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.776 of 2012 of Shornur Police Station, including all further proceedings arising out of S.C.No. 153/2013 on the file of the IV Addl. Sessions Judge, Palakkad 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