

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 10TH DAY OF JUNE 2015/20TH JYAISHTA, 1937

Crl.MC.No. 3455 of 2015

CRIME NO. 461/2015 OF ADOOR POLICE STATION, PATHANAMTHITTA DISTRICT.
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PETITIONER/ACCUSED:

**SURESH KUMAR, AGED 38 YEARS,
S/O.GOPINATHAN PILLAI, MANAKKATTU VEEDU,
CHORAKKODU MURI, ERATTU VILLAGE, ADOOR.**

**BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S**

RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. GOPINATHAN PILLAI, AGED 76 YEARS,
S/O.GOPALA PILLAI, MANAKKADU VEEDU,
UDAKKAMUKKU, CHORAKKODE,
ERATHU VILLAGE, ADOOR - 691 523.**

**R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE
R2 BY ADV. SRI.SERGI JOSEPH THOMAS**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 10-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A1: THE CERTIFIED COPY OF THE FIR IN CRIME NO.461/2015 OF
ADOOR POLICE STATION.**

**ANNEXURE A2: THE NOTARIZED COPY OF THE COMPROMISE APPLICATION
FILED IN OS NO.NO.211/2015 BEFORE THE MUNSIFF COURT,
ADOOR SIGNED BY BOTH THE PETITIONER AND THE
SECOND RESPONDENT.**

**ANNEXURE A3: AN AFFIDAVIT SWORN BY THE SECOND RESPONDENT
STATING THE SETTLEMENT OF ALL THE DISPUTES.**

RESPONDENT(S)' ANNEXURES:

/TRUE COPY/

P.S. TO JUDGE

mbr/

ALEXANDER THOMAS, J.

Crl.M.C.No.3455 Of 2015

Dated this the 10th day of June, 2015.

ORDER

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.461/2015 of Adoor Police Station, Pathanamthitta District registered under Sections 323 and 326 of Indian Penal Code. 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 against the accused.

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

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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 Annexure-A1 F.I.R and further proceedings arising out of crime No.461/2015 of Adoor Police Station 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.

ALEXANDER THOMAS,
Judge.

bkn/-