

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. 3934 of 2015 ()

CC. NO.816/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KAYAMKULAM.

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PETITIONER/ACCUSED:

- 1. TAHA A., PALAMOTTIL,
CHANGAN KULANGARA, OACHIRA P.O.,
KOLLAM.**
- 2. SHYBA. T., PALAMOTTIL,
CHANGAN KULANGARA, OACHIRA P.O.,
KOLLAM.**

BY ADV. SRI.R.ARUN (PALLURUTHY).

RESPONDENTS/COMPLAINANT:

- 1. SHRIRAM TRANSPORT FINANCE CO. LTD.,
1ST FLOOR, KILIYILETHU PLAZA, NEAR KSRTC STAND,
KAYAMKULAM- 690 502, REP. BY ITS BRANCH MANAGER,
RAJESH V.R., AGED 32, S/O. RAJAN.**
- 2. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

R1 BY ADV. SRI.E.M.MURUGAN.

R2 BY PUBLIC PROSECUTOR SRI.GITHESH. R.

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

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

**ANNEXURE A1: CERTIFIED COPY OF THE FINAL REPORT IN CC NO. 816/2013
OF THE FILES OF THE JFCM COURT, KAYAMKULAM.**

**ANNEXURE A2: TRUE COPY OF THE LOAN CLOSURE LETTER ISSUED BY
1ST RESPONDENT.**

ANNEXURE A3 AFFIDAVIT OF 1ST RESPONDENT.

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

ALEXANDER THOMAS, J.

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Crl.M.C No.3934 of 2015

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Dated this the 29th day of June, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.203 of 2011 of Kayamkulam Police Station, registered under Sections 406, 420 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 1st respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. The first respondent 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.203 of 2011 of Kayamkulam Police Station, including all further proceedings arising out of C.C.No.816/2013 on the file of Judicial First Class Magistrate Court, Kayamkulam pending against the petitioners 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