

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ALEXANDER THOMAS

THURSDAY, THE 2ND DAY OF JULY 2015/11TH ASHADHA, 1937

Crl.MC.No.4063 of 2015

**CMP NO.9914/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT,
TALIPARAMBA.**

CRIME NO.19/2015 S.H.O OF ALAKODE POLICE STATION,KANNUR.

PETITIONER/ACCUSED:

**THENANKEEL SATHEESHAN,
S/O.LATE PULLAYIKKODI VEETIL KRISHNAN NAMBIAR,
AGED 33 YEARS,KOYYAM P.O.,KANNUR DISTRICT.**

BY ADV.SRI.MAHESH V RAMAKRISHNAN

RESPONDENTS/STATE AND DEFACTO COMPLAINANT (SOLE INJURED):

- 1. STATE OF KERALA,
REPRESENTED THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM-682031.**
- 2. KURUVACHIRA GOPINATHAN,S/O.NARAYANAN ACHARI,
AGED 45 YEARS,KURUVACHIRA HOUSE,KAVUMBAYI
KOOTTUMUKHAM P.O.,TALIPARAMBA,KANNUR-670631.**

**R1 BY PUBLIC PROSECUTOR SRI.N.SURESH.
R2 BY ADV.SRI.S.UNNIKRISHNAN (VARKALA)**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 02-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONER'S ANNEXURES:

**ANNEXURE A1: CERTIFIED COPY OF THE PRIVATE COMPLAINT DATED 22.12.2014
IN CMP NO.9914/2014 ON THE FILE OF THE JUDICIAL FIRST
CLASS MAGISTRATE, TALIMPARAMBA.**

**ANNEXURE A2: CERTIFIED COPY OF THE FIRST INFORMATION REPORT
DATED 5.1.2015 IN CRIME NO.19 OF 2015 OF ALAKODE POLICE
STATION.**

**ANNEXURE A3: TRUE COPY OF THE COMPROMISE DEED DATED 4.5.2015
EXECUTED BETWEEN THE PETITIONER AND THE 2ND
RESPONDENT.**

**ANNEXURE A4: AFFIDAVIT DATED 4.5.2015 SWORN TO BY THE RESPONDENT
NO.2 AND ATTESTED BY AN ADVOCATE.**

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

ALEXANDER THOMAS, J.
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Crl.M.C.No. 4063 of 2015
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Dated this the 2nd day of July, 2015
ORDER

The petitioner herein is the sole accused in the impugned Anx.A-2 FIR in Crime No.19/2015 of Alakode Police Station, registered for offences punishable under Secs.420 of the I.P.C. It is stated that now the entire disputes between the petitioner and the 2nd respondent defacto complainant have been settled amicably and that the 2nd respondent has sworn to Anx.A-4 affidavit before this Court, wherein it is stated that he has settled the entire disputes with the petitioner and that he has no objection for quashment of the impugned criminal proceedings pending against the petitioner. It is in the light of these aspects that the petitioner has preferred the instant Crl.M.C. with the prayer to quash the impugned criminal proceedings against him.

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 the continuance of the 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 the 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, it is ordered in the interest of justice that the impugned Anx.A-2 FIR in Crime No.19/2015 of Alakode Police Station and all further proceedings arising therefrom pending against the petitioner herein stand quashed.

The Crl.M.C. is disposed of as above.

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///True copy///

P.S. to Judge

Sd/-
ALEXANDER THOMAS, JUDGE

