

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 6TH DAY OF JULY 2015/15TH ASHADHA, 193

Crl.MC.No. 4095 of 2015 ()

**-----
CRIME NO. 527/2014 OF PEERMADU POLICE STATION, IDUKKI DISTRICT.**

.....

PETITIONER/ACCUSED:

**ABY THOMAS, AGED 44 YEARS,
S/O. OUSEPH THOMAS, RESIDING AT PARALEL HOUSE,
ETTUMANOOR P.O., ETTUMANOOR VILLAGE,
KOTTAYAM DISTRICT.**

**BY ADVS.SRI.T.A.UNNIKRISHNAN,
SRI.K.S.PRAVEEN.**

RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN- 682 031.**
- 2. K.A. FAIZAL, AGED 40 YEARS,
S/O. ABDULKARIM, KANNAMTHANAM HOUSE,
CHATTANTHARA KARA, KOLLAMULA VILLAGE,
RANNI TALUK, PATHANAMTHITTA DISTRICT, PIN-689 672.**

**R1 BY PUBLIC PROSECUTOR SRI.N. SURESH.
R2 BY ADV. SRI.MARTIN D.ALUMKARA.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 06-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- ANNEXURE I- CERTIFIED COPY OF THE PRIVATE COMPLAINT IN
CMP NO. 2876/14 OF THE JUDICIAL FIRST CLASS
MAGISTRATE COURT-I, PEERMADE.**
- ANNEXURE II- CERTIFIED COPY OF THE FIRST INFORMATION REPORT IN
CRIME NO.527/2014 PEERMADE POLICE STATION.**
- ANNEXURE III- TRUE COPY OF THE AGREEMENT DATED 06-02-2012
ENTERED INTO BETWEEN THE PETITIONER AND
THE 2ND RESPONDENT.**
- ANNEXURE IV- TRUE COPY OF THE ORDER DATED 13-11-2014 IN
I.A.NO. 1222/2014 IN O.S.NO. 220/14 OF THE MUNSIFF
COURT, PEERMADE.**
- ANNEXURE V- COPY OF THE AFFIDAVIT OF THE 2ND RESPONDENT.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

ALEXANDER THOMAS, J.
=====

Crl.M.C No.4095 of 2015
=====

Dated this the 6th day of July, 2015
O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.527/2014 of Peermade Police Station, registered under Sections 406, 420, 294(a) and 506 (i) 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 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.527/14 of Peermade Police Station 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

