

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 7TH DAY OF JULY 2015/16TH ASHADHA, 1937

Crl.MC.No. 4170 of 2015

**CC 171/2011 OF CHIEF JUDICIAL MAGISTRATE COURT, PALAKKAD
CRIME NO. 335/1992 OF TOWN NORTH POLICE STATION, PALAKKAD**
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PETITIONER(S)/IST ACCUSED:

**N.V.VALSANUNNI, AGED 52 YEARS,
S/O BHASKARA MENON, 7/117, VIVEK APARTMENTS,
CST ROAD, KALYANA, MUMBAI,
NOW COME DOWN TO NEDIYIDATH HOUSE, NALLEPULLY,
CHITTUR TALUK, PALAKKAD DISTRICT.**

BY ADV. SRI.RAJESH SIVARAMANKUTTY

RESPONDENT(S)/STATE/DEFACTO COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. RAJAN, AGED 56 YEARS,
S/O RAGHAVAN, PLAYAMPALLAM, THENARI AMSOM,
CHITTUR TALUK, PALAKKAD DISTRICT - 678 001.**
- 3. RAJAGOPALAN, AGED 60 YEARS,
S/O PAZHANICHAMI, VALIAVALLAMAPATHY VILLAGE, ALAMPADY,
KOZHINJAMPARA, CHITTUR TALUK, PALAKKAD DISTRICT - 678 555.**

**R1 BY PUBLIC PROSECUTOR SRI.GITHESH R.
R2 & R3 BY ADV. SRI.JOSEPH C.VARGHESE**

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

msv/

Crl.MC.No. 4170 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A: CERTIFIED COPY OF THE FINAL REPORT IN C.C.NO.171/2011 ON THE
FILES OF CHIEF JUDICIAL MAGISTRATE COURT, PALAKKAD.**

ANNEXURE B: COPY OF THE AFFIDAVIT FILED BY 2ND RESPONDENT.

ANNEXURE C: COPY OF THE AFFIDAVIT FILED BY 3RD RESPONDENT.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

ALEXANDER THOMAS, J.

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Crl.M.C No.4170 of 2015

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Dated this the 7th day of July, 2015

ORDER

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.335/1992 of Town North Police Station, Palakkad registered under Sections 420, 468, 489 r/w 34 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 (2nd respondent) and the third respondent have filed affidavit to the effect that they have settled the dispute with the accused and they have no grievance or complaint now.

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.335/1992 of Town North Police Station, including all further proceedings arising out of C.C.No.171/2011 on the file of the Chief Judicial Magistrate's Court, 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

