

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 16TH DAY OF JULY 2015/25TH ASHADHA, 1937

Crl.MC.No. 4450 of 2015

**CC 596/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KANJIRAPPALLY
CRIME NO. 88/2015 OF MUNDAKAYAM POLICE STATION , KOTTAYAM**

PETITIONER(S)/ACCUSED:

**LALICHAN @ KURIAKOSE,
S/O.KURIAKOSE, MAPPILAKKUNNEL HOUSE,
INCHIYANI SRAMBI BHAGAM, MUNDAKKAYAM VILLAGE,
KOTTAYAM DISTRICT, PIN 686512.**

BY ADV. SRI.K.SHAJ

RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, 682031.**
- 2. BABY @ MATHEW,
S/O.VARKEY, KOZHIMALA HOUSE, VELICHIYANI BHAGAM
PARATHODU KARA, EDAKKUNNAM VILLAGE, KOTTAYAM DISTRICT,
PIN 686512.**

**R1 BY PUBLIC PROSECUTOR SRI.GITHESH. R.
R2 BY ADV. SRI.SERGI JOSEPH THOMAS**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 16-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

Crl.MC.No. 4450 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE-A1: THE CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.88/2015
OF MUNDAKKAYAM POLICE STATION NOW PENDING AS
C.C.NO.596/2015 ON THE FILES OF THE JUDICIAL FIRST CLASS
MAGISTRATE COURT-1, KANJIRAPPALLY**

ANNEXURE-A2: AFFIDAVIT SWORN BY THE SECOND RESPONDENT.

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.
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Crl.M.C No.4450 of 2015
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Dated this the 16th day of July, 2015
ORDER

The petitioner herein seeks orders quashing the F.I.R and further proceedings in Crime No.88/2015 of Mundakkayam Police Station, registered under Sections 341, 323, 294 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 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.88/2015 of Mundakkayam Police Station, including all further proceedings arising out of C.C.No.596/2015 on the file of the Judicial First Class Magistrate Court-I, Kanjirappally 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

