

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 17TH DAY OF JULY 2015/26TH ASHADHA, 1937

Crl.MC.No. 4510 of 2015 ()

CRIME NO. 1889/2014 OF HILL PALACE POLICE STATION, THRIPIUNITHURA.

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PETITIONERS/ACCUSED:

**SHERIN XAVIER, AGED 21 YEARS,
S/O.XAVIER P.S., PULIAMPILLY HOUSE,
CHURCH ROAD, CHAMBAKKARA, PIN: 682 304.**

BY ADV. SRI.BIBIN KUMAR.

RESPONDENTS/COMPLAINANT/DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682 031.**
- 2. SANTHOSH CHALIYATH, AGED 39 YEARS,
S/O.NARAYANA MENON, CHALIYATH HOUSE,
THEKKUMBAGOM, THRIPIUNITHURA - 682 021.**

**R1 BY PUBLIC PROSECUTOR SRI.GITHESH. R.
R2 BY ADV. SRI.IEANS.C.CHAMAKKALA.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 17-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

**AI: CERTIFIED COPY OF THE FIR IN CRIME NO.1889/2014 OF HILL PALACE
POLICE STATION PENDING BEFORE THE JUDICIAL FIRST CLASS
MAGISTRATE COURT, THRIPIUNITHURA.**

**AII: CERTIFIED COPY OF THE F.I. STATEMENT IN CRIME NO. 1889/2014 OF
HILL PALACE POLICE STATION PENDING BEFORE THE JUDICIAL FIRST
CLASS MAGISTRATE COURT, THRIPIUNITHURA.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

ALEXANDER THOMAS, J.

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Crl.M.C No.4510 of 2015

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Dated this the 17th day of July, 2015

ORDER

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.1889 of 2014 of Hill Palace Police Station, registered under Sections 153 A (2) of IPC. According to the petitioner he has not committed any such offence and there is nothing to attract Section 153 A (2) the I.P.C. or any other penal offences against the petitioner. 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 and he has no objection for quashment of the impugned criminal proceedings pending against the petitioners.

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.1889 of 2014 of Hill Palace Police Station, pending before the Judicial First Class Magistrate Court,

Thripunithura 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