

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937

Crl.MC.No. 4779 of 2015 ()

**SC.NO. 51/2013 OF DISTRICT COURT, ALAPPUZHA
CRIME NO. 207/2007 OF THRIKKUNNAPPUZHA POLICE STATION, ALAPPUZHA**

PETITIONER/ACCUSED :

**RUBY R.,
AGED 49, S/O.RAGHAVAN,
PEEDIKAYIL (H), ERICKAVU P.O.
KARTHIKAPPILLY, PIN - 680 516.**

BY ADV. SRI.C.P.UDAYABHANU

RESPONDENTS/COMPLAINANT :

- 1. BINCY BIJU,
AGED 43, W/O.BIJU MATHEW,
VALIYATHUKULANGARETH (H)
ERICKAVUMURI, KUMARAPURAM.**
- 2. STATE OF KERALA
REPRESENTED BY THE S.I POLICE (CRIME NO.207/07)
THRIKKUNNAPPUZHA POLICE STATION
REPRESENTED BY THEPUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

R1 BY ADV. SRI.G.SIJI

R2 BY PUBLIC PROSECUTOR SRI. DHANESH MATHEW MANJOORAN

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 03-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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...2/-

Crl.MC.No. 4779 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE I. A CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.207/07 OF
THRIKKUNNAPPUZHA POLICE STATION PENDING AS SC.51/2013 ON
THE FILE OF SESSIONS COURT, ALAPPUZHA.**

**ANNEXURE II. PHOTOCOPY OF THE RECEIPT DATED 24.11.2007 ISSUED BY THE
FATHER OF THE INJURED.**

**ANNEXURE III. AFFIDAVIT SWORN BY R1 THE DE FACTO COMPLAINANT IN
ANNEXURE - I.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C No.4779 of 2015

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Dated this the 3rd day of August, 2015

O R D E R

The petitioner seeks orders for quashing the F.I.R and further proceedings in Crime No.207/2007 of Thrikkunnappuzha Police Station, registered under Sections 337, 338 of the I.P.C. and Sec.3(a) of Explosive Substances Act 1908. 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 1st 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 petitioner.

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.207/2007 of Thrikkunnappuzha Police, including all further proceedings arising out of S.C.No. 51/2013 on the file of the Sessions Court, Alappuzha 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