

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 30TH DAY OF JULY 2015/8TH SRAVANA, 1937

Crl.MC.No. 4787 of 2015 ()

CC.NO.354/2014 OF CHIEF JUDICIAL MAGISTRATE COURT, THIRUVANANTHAPURAM
CRIME NO. 391/2008 OF THAMBANOOR POLICE STATION , THIRUVANANTHAPURAM

PETITIONER/ACCUSED:

RINU P. BABU,
D/O.BABU KURIAKOSE, AGED 28 YEARS,PALLATHUKUDY HOUSE,
PATTUMPARA 52 MILE, MANNAMKANDAM VILLAGE, ADIMALY.

BY ADV. SRI.UNNIKRISHNAN.V.A LAPATT

RESPONDENT(S)/RESPONDENTS:

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- 1. NEETHU THOMAS,D/O.K.T.THOMAS, AGED 27 YEARS,**
KALLATTU HOUSE, NEAR VELLILAPPALLY JUNCTION,
VELLILAPPALLY VILLAGE,
MEENACHIL TALUK, KOTTAYAM DISTRICT.
 - 2. STATE OF KERALA,**
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

R1 BY ADV. SRI.V.A.VINOD

R2 BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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Crl.MC.No. 4787 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX-I: TRUE COPY OF THE FINAL REPORT IN CRIME NO.391/2008 OF
THAMBANOOR POLICE STATION.**

ANNEX-II: TRUE COPY OF THE AFFIDAVIT SWORN BY THE IST RESPONDENT

RESPONDENT(S)' ANNEXURES: NIL

/TRUE COPY/

P.S.TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C.No.4787 of 2015

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Dated this the 30th day of July, 2015

ORDER

The petitioner herein is the sole accused in the impugned Anx.I final report/charge sheet filed in Crime No.391/2008 of Thambanoor Police Station, registered for offence punishable under Sec.66 of the Information Technology Act, 2000, at the instance of the 1st respondent defacto complainant, which has led to the institution of Calendar Case, C.C.No.354/2014 on the file of the Chief Judicial Magistrate's Court, Thiruvananthapuram. It is stated that now the entire disputes between the petitioner and the 1st respondent defacto complainant have been settled amicably and that the 1st respondent has sworn to Anx.II affidavit before this Court, wherein it is stated that she has settled the entire disputes with the petitioner herein and that she has no objection for quashment of the impugned criminal proceedings pending against the petitioner. It is in the light of these aspects that the petitioner has preferred the instant Crl.M.C. with the prayer to quash the

impugned criminal proceedings against him.

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 the continuance of the 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 the 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, it is ordered in the interest of justice that the

impugned Anx.I final report/charge sheet filed in Crime No.391/2008 of Thambanoor Police Station, which has led to the institution of Calendar Case, C.C.No.354/2014 on the file of the Chief Judicial Magistrate's Court, Thiruvananthapuram, and all further proceedings arising therefrom pending against the petitioner herein stand quashed.

With these observations and directions, the Crl.M.C. stands finally disposed of.

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge