

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. 4852 of 2015 ()

**IN Crl.MC 4319/2015 of HIGH COURT OF KERALA DATED 20-07-2015
CRIME NO. 983/2011 OF OLLUR POLICE STATION , TRISSUR**

PETITIONER(S)/ACCUSED :

**GOPALA MENON
ULIAN PORATHU VEEDU,
OPP: VELIYANNUR KSHETRAM
THRISSUR-21**

BY ADV. SRI.ALPHIN ANTONY

RESPONDENT(S):

**1. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA
ERNAKULAM.**

**2. VIVEK MENON
S/O.K.G.MENON,
PARISHRAM -40, PALI HILL
BANDRA, BOMBAY.**

**R1 BY PUBLIC PROSECUTOR SRI.GIKKU JACOB
R2 BY ADV. SRI.SANTHOSH MATHEW
ADV. SRI.SATHISH NINAN
ADV. SRI.ARUN THOMAS
ADV. SRI.JENNIS STEPHEN**

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

Crl.MC.No. 4852 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

- ANNEXURE I - TRUE COPY OF THE FIR NO.983 OF 2011 OF THE OLLUR
POLICE STATION**
- ANNEXURE II- AFFIDAVIT SIGNED BY THE SECOND RESPONDENT
SUBSTANTIATING THE FACT THAT THE SUBJECT MATTER
OF CRIME NO.983/2011 HAS BEEN SETTLED**
- ANNEXURE III- TRUE COPY OF THE JUDGMENT DATED 20.7.2015 IN CRL
M.C.NO.4319/2015 OF THIS HONOURABLE COURT.**

RESPONDENT(S)' EXHIBITS

NIL

/TRUE COPY/

PA TO JUDGE

VS

ALEXANDER THOMAS, J.

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Crl.M.C.No.4852 of 2015

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Dated this the 30th day of July, 2015

ORDER

The petitioner seeks orders to quash the F.I.R and further proceedings in Crime No.983/2011 of Ollur Police Station, registered under Section 420 of the Indian Penal Code. 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.983/2011 of Ollur Police Station, including all further proceedings arising out of C.C.No.678/2011 on the file of Judicial First Class Magistrate Court No.III, Thrissur 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/-
ALEXANDER THOMAS
JUDGE

VS