

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

Crl.MC.No. 5638 of 2015

C.C.NO.118/2014 of CHIEF JUDICIAL MAGISTRATE COURT, ERNAKULAM

CRIME NO. 148/2014 OF CENTRAL POLICE STATION , ERNAKULAM DISTRICT

PETITIONER(S)/ACCUSED:

**VARUN V. NAIR, AGED 27 YEARS,
S/O.VASUDEVAN NAIR, GOKULAM HOUSE,
CHEMPUMPURAM P.O., NEAR BONAPURAM CHURCH,
NEDUMUDI VILLAGE, KUTTANAD TALUK, ERNAKULAM DISTRICT.**

BY ADV. SRI.P.A.MARTIN ROY

RESPONDENT(S)/COMPLAINANT AND DEFACTO COMPLAINANT :

- 1. STATE OF KERALA,
THROUGH SUB INSPECTOR OF POLICE,
CENTRAL POLICE STATION, REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. MR. ANEESH, S/O.ACHUTHAN,
AGED 32 YEARS, KADAVUNKASSERY HOUSE, NEAR LIGHT HOUSE,
PUTHUVYPPE KARA, PUTHUVYPPE VILLAGE, IDUKKI DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN
R2 BY ADV. SRI.V.A.SEBASTINE**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 20-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNX.I: CERTIFIED COPY OF THE FIR IN CRIME NO.148/2014 OF CENTRAL
POLICE STATION**

**ANNX.I(A): TRUE COPY OF THE PRIVATE COMPLAINT CMP NO.415/2014
WHICH FORMED THE BASIS FOR THE CRIME.**

**ANNX.II: TRUE COPY OF THE CHARGE SHEET IN CC NO.118/2014 WHICH IS
PENDING BEFORE THE HON'BLE CHIEF JUDICIAL MAGISTRATE
COURT ERNAKULAM.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

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Crl.M.C No.5638 of 2015

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Dated this the 20th day of August, 2015

O R D E R

The petitioner seek orders quashing the F.I.R and further proceedings in Crime No.148/2014 of Central Police Station, Ernakulam registered under Sections 406 and 420 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 and he has no objection for quashment of the impugned criminal proceedings 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.148/2014 of Central Police Station, including all further proceedings arising out of C.C.No.118/2014 on the file of the Chief Judicial Magistrate Court, Ernakulam 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