

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. 5695 of 2015 ()

CC 84/2011 of JUDICIAL FIRST CLASS MAGISTRATE COURT-II,PATHANAMTHITTA

PETITIONER/ACCUSED :

**VIJAYAN, AGED 57 YEARS,
S/O.THIRUVAN, MUKALUKALAYIL VEEDU, KUNNATHUM KARA,
THATTAKADU MURI, KOIPURAM VILLAGE, KOZHENCHERRY TALUK,
PATHANAMTHITTA DISTRICT.**

BY ADV. SRI.AJITH MURALI

RESPONDENTS/COMPLAINANT :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**
- 2. RENY, AGED 39 YEARS,
S/O.GEORGE, VAKKEPADICKAL HOUSE, KUNNATHUM KARA,
THATTAKADU MURI, KOIPURAM VILLAGE, KOZHENCHERRY TALUK,
PATHANAMTHITTA DISTRICT-689645.**

**R1 BY PUBLIC PROSECUTOR SMT.P.MAYA
R2 BY ADV. SRI.DINESH THANKAPPAN**

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

bp

Crl.MC.No. 5695 of 2015 ()

APPENDIX

PETITIONER'S ANNEXURES :

**ANNEXURE A : A CERTIFIED COPY OF THE CHARGE SHEET IN CRIME
 NO. 87/2011 OF KOIPURAM POLICE STATION.**

RESPONDENT'S ANNEXURES : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

ALEXANDER THOMAS, J.

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CrI.M.C No.5695 of 2015

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Dated this the 20th day of August, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.87/2011 of Koipuram Police Station, registered under Section 324 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 objection for quashment of the impugned criminal proceedings against the petitioner herein.

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.87/2011 of Koipuram Police Station, including all further proceedings arising out of C.C.No.84/2011 on the file of the Judicial First Class Magistrate Court-II, Pathanamthitta 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

