



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN

THURSDAY, THE 6TH DAY OF MARCH 2025 / 15TH PHALGUNA, 1946

CRL.MC NO. 1608 OF 2025

CRIME NO.1252/2020 OF CHALAKKUDY POLICE STATION, THRISSUR
AGAINST THE ORDER/JUDGMENT DATED IN CP NO.114 OF 2024 OF
JUDICIAL MAGISTRATE OF FIRST CLASS - I, CHALAKUDY

PETITIONERS/ACCUSED 1 AND 2:

- 1 JOSE MOORIYADAN
AGED 64 YEARS
S/O POULOSE , MOORIYADAN (H)
KODASSERY VILLAGE, CHALAKUDY
THRISSUR, PIN - 680721
- 2 LILLY JOSE
AGED 58 YEARS
W/O JOSE, MOORIYADAN (H)
KODASSERY VILLAGE, CHALAKUDY
THRISSUR, PIN - 680721

BY ADVS.
CHRISTINE MATHEW
LIJO JOHN



RESPONDENTS:

- 1 STATE OF KERALA
 REPRESENTED BY PUBLIC PROSECUTOR,
 HIGH COURT OF KERALA, PIN - 682031

- 2 STATION HOUSE OFFICER
 CHALAKUDY POLICE STATION,
 THRISSUR DISTRICT, PIN - 680307

- 3 ANJU JIJO
 AGED 35 YEARS
 W/O JIJO, MALIYAKKAL HOUSE MECHIRA DESAM,
 KODASSERY VILLAGE,
 CHALAKUDY THRISSUR, PIN - 680721

BY ADVS.
RAPHAEL THEKKAN
ABESH ALOSIOUS
SANAL P.RAJ, PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 06.03.2025, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:



O R D E R

A five Judges Bench of the Punjab and Haryana High Court in ***Kulwinder Singh and Others v. State of Punjab and Another*** [(2007) 4 CTC 769], framed broad guidelines as regards quashment of the criminal proceedings under Section 482 of the Code in respect of offences which are not compoundable in terms of Section 320 of the Code. One among the guidelines was that the offences against human body, other than murder and culpable homicide, may be permitted to be compounded, when the court is in a position to record a finding that the settlement between the parties is voluntary and fair. These guidelines were quoted with approval by a three Judges Bench of the Hon'ble Supreme Court in ***Gian Singh v. State of Punjab and another*** [(2012) 10 SCC 303]. Similarly in ***Narinder Singh and Others v. State of Punjab*** [(2014) 6 SCC 466], the Hon'ble Supreme Court has gone to the extent of sanctioning invocation of the inherent power under section 482 of the Criminal Procedure Code to quash the F.I.R in a crime alleging offence under Section 307,



which is a heinous and serious offence. A practical approach is seen adopted by the Hon'ble Supreme Court in ***Madan Mohan Abbot v. State of Punjab*** [(2008) 4 SCC 582] as regards quashment in respect of offences like 379, 406, 409, 418, etc., the relevant findings of which are extracted here below:

“6. We need to emphasise that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilised in deciding more effective and meaningful litigation. This is a common sense approach to the matter based on ground of realities and bereft of the technicalities of the Law.”

2. In the facts at hand, petitioners are the accused nos.1 and 2 in Crime No.1252 of 2020 of Chalakudy Police Station, Thrissur, now pending as C.P.No.144/2024 before the Judicial



First Class Magistrate Court, Chalakudy. As per the Final Report, the offences alleged are under Sections 448, 294(b), 323, 324, 509 and 354, read with Section 34 of the Indian Penal Code. The petitioners seek quashment of entire proceedings in the above Case, on the strength of the settlement arrived at by and between the parties.

3. Heard the learned counsel for the petitioners; learned counsel for the defacto complainant/3rd respondent and the learned Public Prosecutor. Perused the records.

4. When this Cr1.M.C was moved, this Court directed to record the statement of the defacto complainant. The said direction was complied and the statement of the defacto complainant/3rd respondent was handed over. On perusal of the same, it is clear that the issues between the petitioners and the defacto complainant are settled and that the defacto complainant is disinterested to proceed with the prosecution case against the petitioners. That apart, it is noticed



that, along with this Cr1.M.C, an affidavit has been sworn to by the defacto complainant as Annexure-3, wherein he would unequivocally state that the disputes have been settled amicably and that the defacto complainant does not want to proceed with the case against the petitioners any more. The defacto complainant would also swear that she has no grievance against the petitioners and that she has no objection in quashing the criminal proceedings against the petitioners. The affidavit is sworn to on her own volition. Moreover, learned counsel for the defacto complainant/R3 would submit that the quashment sought for can be allowed in view of the settlement arrived at. This Court is therefore convinced that the settlement arrived at is genuine and bonafide.

5. In the light of the above referred facts, this Court is of the opinion that the necessary parameters, as culled out in *Narinder Singh* (supra), *Madan Mohan Abbot* (supra) and *Gian Singh* (supra), are fully satisfied. This court is



convinced that further proceedings against the petitioners will be a futile exercise, inasmuch as the disputes have already been settled. There is little possibility of any conviction in the crime. *Dehors* the settlement arrived at by and between the parties, if they are compelled to face the criminal proceedings, the same, in the estimation of this Court, will amount to abuse of process of Court. The quashment sought for would secure the ends of justice. This Court also notice that offences under Sections 448, 323 and 509 are compoundable, which is all the more a reason to accept the compromise between the parties.

6. In the circumstances, this Cr1.M.C. is allowed. Annexure-2 Final Report and all further proceedings in C.P.No.144/2024 of the Judicial First Class Magistrate Court, Chalakudy, are hereby quashed.

Sd/-

C.JAYACHANDRAN, JUDGE



APPENDIX OF CRL.MC 1608/2025

PETITIONER ANNEXURES

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| ANNEXURE 1 | TRUE COPY OF THE FIR AND FIS IN CRIME NO. 1252/2020 OF CHALAKUDY POLICE STATION, THRISSUR DATED 21.11.2020 OF CHALAKUDY POLICE STATION, THRISSUR DISTRICT |
| ANNEXURE 2 | A TRUE COPY OF THE FINAL REPORT DATED 21/12/2020 IN CRIME NO. 1252/2020 OF CHALAKUDY POLICE STATION, THRISSUR, DISTRICT |
| ANNEXURE 3 | ORIGINAL OF THE AFFIDAVIT SWORN AND SIGNED BY THE 3RD RESPONDENT DATED 02/02/2025 |