



CRL.MC NO. 10266 OF 2023

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2025:KER:24704

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN

FRIDAY, THE 7TH DAY OF MARCH 2025 / 16TH PHALGUNA, 1946

CRL.MC NO. 10266 OF 2023

CRIME NO.799/2020 OF THALAYOLAPARAMBU POLICE STATION, Kottayam

AGAINST THE ORDER/JUDGMENT IN ST NO.189 OF 2020 OF GRAMA
NYAYALAYA, VAIKOM.

PETITIONERS/ACCUSED:

- 1 SREENATH R
AGED 33 YEARS
S/O RAMAKRISHNAN, SREEBHAVAN HOUSE,
KULASHEGHARAMANGALAM, KOTTAYAM, PIN - 686608
- 2 LINET SEBASTIAN
AGED 33 YEARS
W/O SREENATH R , SREEBHAVAN HOUSE,
KULASHEGHARAMANGALAM, KOTTAYAM, PIN - 686608

BY ADV JISSMON A KURIAKOSE

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

- 1 STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM, PIN - 682031
- 2 SREEJA RAMAKRISHNAN
AGED 25 YEARS
D/O RAMAKRISHNAN, SREEBAVAN(VALAVIL), MARAVANTHURUTHU,
KULASEKHARAMANGALAM, KOTTAYAM, PIN - 686608

SRI. SANAL P. RAJ (PP)
REGHU SREEDHARAN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
07.03.2025, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:



C. JAYACHANDRAN, J.

CrI.M.C.No.10266 of 2023

Dated, this the 7th day of March, 2025

ORDER

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 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 herebelow:

"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 persons in Crime No.799/2020 of Thalayolaparambu Police Station, Kottayam, now pending as S.T.No.189/2020 before the Grameena Nyayalayam, Nanadom, Vaikom. As per the final report, the offences alleged are under Sections 323, 506(i), 341 and 34 of the Indian Penal Code and Section 31 of the Protection of Women from Domestic Violence Act, 2005. 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/respondent no.2 and the learned Public Prosecutor. Perused the records.

4. When this Crl.M.C was moved, this Court directed to record the statement of the defacto complainant. The said direction was complied and the statement was handed



over. On perusal of the same, it is clear that the issues between the petitioners and the defacto complainant are settled amicably and that the defacto complainant has no objection in quashing the criminal proceedings against the petitioner. The instant Crl.M.C was filed with the knowledge and consent of the defacto complainant, wherefore, she is disinterested to continue with the prosecution case, any further. That apart, it is noticed that, along with this Crl.M.C, an affidavit has been sworn to by the defacto complainant (2nd respondent herein) as Annexure-2, wherein she would unequivocally state that the disputes have been amicably settled and that she has no grievance against the petitioners. The defacto complainant would also swear that she has no objection in quashing the case against the petitioners and that the affidavit is sworn to on her own volition, without any compulsion, whatsoever. This Court, is therefore, convinced that the settlement arrived at is genuine and bonafide. Learned Counsel for



the 2nd respondent/defacto complainant would also endorse that the quashment sought for can be allowed.

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 323, 506(i) and 341 are compoundable, which is all the more a reason to accept the compromise between the parties.



In the circumstances, this Crl.M.C. is allowed. Annexure-1 Final Report in Crime No.799/2020 and all further proceedings in S.T.No.189/2020 before the Grameena Nyayalayam Nanadom, Vaikom, are hereby quashed.

Sd/-

C. JAYACHANDRAN

JUDGE

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APPENDIX OF CRL.MC 10266/2023

PETITIONER ANNEXURES

Annexure I	CERTIFIED COPY OF FINAL REPORT IN ST NO. 189/2020 OF GRAMEENA NYAYALAYAM, NANADOM
Annexure2	A TRUE COPY OF THE AFFIDAVIT DATED 09.11.2023 SIGNED BY THE 2ND RESPONDENT