IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

FRIDAY, THE 11TH DAY OF APRIL 2025/21ST CHAITHRA, 1947

CRL.MC NO. 3485 OF 2024

CRIME NO.3114/2023 OF ERNAKULAM CENTRAL POLICE STATION, ERNAKULAM

CC NO.151 OF 2024 OF JUDICIAL MAGISTRATE OF FIRST CLASS-II, ERNAKULAM

PETITIONER/ACCUSED:

KRISHNA CHANDRAN
AGED 35 YEARS
S/O M.S CHANDRAN, M.S BHAVAN HOUSE,
22/3108(1), SASTHAMANGALAM,
THIRUVANANTHAPURAM DISTRICT., PIN - 685101

BY ADVS.
ADITHYA RAJEEV
S.PARVATHI
SAFA NAVAS
NIVEDITA MUCHILOTE(K/2556/2023)

RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

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

2 **SUNIL KUMAR**
S/O SANKARAN PILLAI, LAKSHMI VILASAM,
THODUPUZHA TALUK, THODUPUZHA VILLAGE, IDUKKI DISTRICT., PIN - 685584

BY ADV.SHIBU VARGHESE

ADV.SMT REKHA S – SENIOR PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON



2025:KER:31843

11.04.2025, ALONG WITH Crl.MC.10021/2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

2025:KER:31843

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

FRIDAY, THE 11TH DAY OF APRIL 2025 / 21ST CHAITHRA, 1947

CRL.MC NO. 10021 OF 2024

CRIME NO.3376/2023 OF ERNAKULAM CENTRAL POLICE STATION, ERNAKULAM

CC NO.426 OF 2024 OF JUDICIAL MAGISTRATE OF FIRST CLASS-II, ERNAKULAM

PETITIONER/ACCUSED:

SUNIL KUMAR ,
AGED 58 YEARS
S/O SHANKARAN PILLA, LAKSHMI VILASAAM,
THODUPUZHA VILLAGE, THODUPUZHA TALUK,
IDUKKI, KERALA., PIN - 685584

BY ADVS.
SHIBU VARGHESE
DHILJITH A. SASI

RESPONDENTS/STATE/DEFACTO COMPLAINANT:

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

2 **STATION HOUSE OFFICER,**
ERNAKULAM CENTRAL POLICE STATION,
ERNAKULAM, KERALA., PIN - 682031

3 **KRISHNA CHANDRAN,**
AGED 36 YEARS
S/O MS.CHANDRAN, M.S.BHAVAN HOUSE,
22/3108(1), SASTHAMANGALAM,
THIRUVANANTHAPURAM., PIN - 685101



2025:KER:31843

BY ADV ADITHYA RAJEEV

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 11.04.2025, ALONG WITH Crl.MC.3485/2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

2025:KER:31843

P.G. AJITHKUMAR, J

Crl.M.C. Nos.3485 & 10021 of 2024

Dated this the 11th day of April, 2025

O R D E R

Crl.M.C. No.3485 of 2024

This Crl.M.C. has been filed by the accused in C.C. No.151 of 2024 pending before the Court of Judicial Magistrate of the First Class-II, Ernakulam. The offences alleged against the petitioner are punishable under Sections 323 and 294(b) of the Indian Penal Code, 1860 (IPC). The case arose on a complaint filed by the 2nd respondent before the said court. The petitioner filed this Crl.M.C. seeking to quash the final report and further proceedings in C.C. No.151 of 2024, saying that an amicably settlement was arrived at between himself and the 2nd respondent. An affidavit of the 2nd respondent averring that he sorted out the dispute with the petitioner and has no further grievance in the matter has been placed on record.

Crl.M.C. No.10021 of 2024

2. The petitioner is the accused in C.C. No.426 of



2024 pending before the Court of Judicial Magistrate of the First Class-II, Ernakulam. The offences alleged against the petitioner are punishable under Sections 341, 323 and 294(b) of the IPC. A crime was registered in the matter based on a complaint filed by the 3rd respondent before the said court. This petition has been filed stating that the matter involved has been settled between the petitioner and the 3rd respondent. An affidavit of the 3rd respondent in the said terms has been placed on record.

Crl.M.C. No.3485 and 10021 of 2024

3. Heard the learned counsel for the respective petitioners and the learned Senior Public Prosecutor.

4. The learned Senior Public Prosecutor made available for my perusal statements of the investigating officer along with statements of the respective defacto complainant. In the said statements, the defacto complainants maintained that they did not have any further grievance in the matter, as the dispute had been sorted out.

5. Both cases are related to an incident that occurred on 22.07.2023 at about 11.00 a.m. Both sides alleged that

the rival party had voluntarily attacked. The offences involved are not so serious or affecting the safety or security of the public. The parties are relatives. When they amicably settled the disputes, that certainly would bring peace among them. In the interest of both parties, it is appropriate to stop the proceedings without driving them to a detailed trial.

6. The Apex Court in **Gian Singh v. State of Punjab and others [(2012) 10 SCC 303]** laid down the parameters for invoking Section 482 of the Code for accepting the settlement in cases involving non compoundable offences in paragraph No.57 which reads thus:

> "57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime.



Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominatingly civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within



its jurisdiction to quash the criminal proceeding.''

7. Similarly, the Apex Court in **Narinder Singh and others v. State of Punjab and others [(2014) 6 SCC 466]**, elaborated the principles based on which Section 482 of the Code can be invoked to quash proceedings where the parties arrived at settlement. Paragraph No.31 reads thus:

> "31. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:
>
> (I) Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.
>
> (II) When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:
>
> (i) ends of justice, or
>
> (ii) to prevent abuse of the process of any Court.
>
> While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.
>
> (III) Such a power is not be exercised in those prosecutions which



involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by Public Servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender

(IV) On the other, those criminal cases having overwhelmingly and pre-dominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves. (V) While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.

(VI) Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore is to be generally treated as crime against the society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to proving the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used etc. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the



basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and quash the criminal proceedings whereas in the later case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.

(VII) While deciding whether to exercise its power under Section 482 of the Code or not, timings of settlement play a crucial role. Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation. It is because of the reason that at this stage the investigation is still on and even the charge sheet has not been filed. Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come a conclusion as to whether the offence under Section 307 IPC is committed or not. Similarly, in those cases where the conviction is already recorded by the trial court and the matter is at the appellate stage before the High Court, mere compromise between the parties would not be a



> ground to accept the same resulting in acquittal of the offender who has already been convicted by the trial court. Here charge is proved under Section 307 IPC and conviction is already recorded of a heinous crime and, therefore, there is no question of sparing a convict found guilty of such a crime."

8. In the view of the said position of law, the proceedings in both cases are liable to be quashed on reckoning the settlement arrived at between the parties.

Accordingly, these Crl.M.Cs. are allowed. Further proceedings in C.C. No.151 of 2024 and C.C. No.426 of 2024 pending before the Court of Judicial Magistrate of the First Class-II, Ernakulam are quashed.

Sd/-
P.G. AJITHKUMAR, JUDGE

SMF

APPENDIX OF CRL.MC 3485/2024

PETITIONER ANNEXURES

Annexure-I	**CERTIFIED COPY OF CMP 3533/2023 DATED 29.09.2023 OF THE JUDICIAL FIRST-CLASS MAGISTRATE COURT-II, ERNAKULAM**
Annexure-II	**CERTIFIED COPY OF THE FIRST INFORMATION REPORT DATED 06.10.2023 IN CRIME NO. 3114/2023 OF THE ERNAKULAM CENTRAL POLICE STATION**
Annexure-III	**CERTIFIED COPY OF THE FINAL REPORT DATED 13.11.2023 IN CRIME NO.3114/2023 OF THE ERNAKULAM CENTRAL POLICE STATION**
Annexure-IV	**A TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME NO. 459/22 OF THE CHOTTANIKKARA POLICE STATION, ERNAKULAM DISTRICT DATED 29-06-2022**
Annexure-V	**A TRUE COPY OF THE ORDER DATED 28.03.2023 IN I.A NO. 4/2023 IN O.P. NO. 1997/2022 ISSUED BY THE FAMILY COURT, ERNAKULAM**
Annexure-VI	**A TRUE COPY OF THE FIRST INFORMATION REPORT DATED 27.10.2023 IN CRIME NO. 3376/2023 OF THE ERNAKULAM CENTRAL POLICE STATION**
Annexure-VII	**A TRUE COPY OF THE ORDER DATED 25.08.2023 IN I.A NO. 13/2023 IN O.P. NO. 1997/2022 ISSUED BY THE FAMILY COURT, ERNAKULAM**
Annexure-VIII	**A TRUE COPY OF THE ORDER ISSUED UNDER SECTION 111 OF THE CODE OF CRIMINAL PROCEDURE DATED 23.03.2024 IN M.C NO. 93/24 OF THE SUB-DIVISIONAL MAGISTRATE COURT, FORT KOCHI**
Annexure-IX	**A TRUE COPY OF THE ORDER DATED 04-04-2024 IN CRL.M.A NO. 1 OF 2024 IN CRL.M.C NO.3239 OF 2024 OF THIS HON'BLE COURT**
Annexure-X	**AFFIDAVIT SWORN BY THE 2ND RESPONDENT DATED 07-02-2025**

APPENDIX OF CRL.MC 10021/2024

PETITIONER ANNEXURES

Annexure A1	**THE TRUE COPY OF THE INTERIM ORDER IN CRL.M.C.3485/2024 DATED 11.04.2024**
Annexure A2	**THE COPY OF THE EMAIL COMMUNICATION MADE BY THE DE-FACTO COMPLAINANT WITH THE POLICE DATED 16.08.2023**
Annexure A3	**THE COPY OF THE EMAIL COMMUNICATION MADE BY THE DE-FACTO COMPLAINANT DATED 01.09.2023**
Annexure A4	**THE COPY OF THE COMPLAINT THE DE-FACTO COMPLAINANT MADE BEFORE THE HONURABLE JUDICIAL FIRST CLASS MAGISTRATE COURT-II, ERNAKULAM DATED 21.10.2023**
Annexure A5	**THE COPY OF THE FINAL REPORT IN CC NO.426/2024 ON THE FILE OF THE HONOURABLE JUDICIAL FIRST CLASS MAGISTRATE COURT-II, ERNAKULAM**
Annexure A6	**THE AFFIDAVIT SWORN BY THE 3RD RESPONDENT/DE-FACTO COMPLAINANT DATED 07.02.2025**