



CRL.MC NO. 10652 OF 2024

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2025:KER:25912

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN

TUESDAY, THE 25TH DAY OF MARCH 2025 / 4TH CHAITHRA, 1947

CRL.MC NO. 10652 OF 2024

CRIME NO.75/2023 OF Pudunagaram Police Station, Palakkad

AGAINST THE ORDER/JUDGMENT IN CC NO.199 OF 2023 OF JUDICIAL
MAGISTRATE OF FIRST CLASS ,CHITTUR

PETITIONER/ACCUSED:

SAJNA
AGED 45 YEARS
W/O MUHAMMED MOOSA, KALAPETTY HOUSE, KARUVANNURTHARA,
KODUVAYUR, PALAKKAD, KERALA, PIN - 678501

BY ADV GIFFIN SHALOO

RESPONDENTS/COMPLAINANT:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA,
PIN - 682031
- 2 SABEENA BANU
AGED 48 YEARS
S/O KIDER MUHAMMED, KALAPETTY KARUVANNURTHARA,
KODUVAYUR, KERALA, PIN - 678501

BY ADV D.VIMAL DEV
SRI. E.C. BINEESH (PP)



CRL.MC NO. 10652 OF 2024

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THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
25.03.2025, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:



C. JAYACHANDRAN, J.

CRL.MC NO. 10652 OF 2024

Dated, this the 25th 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, petitioner is the sole



accused in Crime No.75/2023 of Pudunagaram Police Station, Palakkad, now pending as C.C.No.199/2023 before the Judicial First Class Magistrate Court, Chittur. As per the final report the offences alleged are under Sections 341, 447, 323, 324 and 294(b) of the Indian Penal Code. The petitioner seeks quashment of entire proceedings in the above Calendar Case, on the strength of the settlement arrived at by and between the parties.

3. Heard the learned counsel for the petitioner, 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 defacto complainant has no objection in quashing the criminal proceedings against the petitioner and that she is not interested to proceed further with the prosecution case. 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-A3, wherein she would unequivocally state that the disputes have been amicably settled and that she has no interest to proceed against the petitioner, any further. The defacto complainant would also swear that she has no objection in quashing the criminal proceedings against the petitioner and that the affidavit is sworn to on her free will. 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 petitioner 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 341, 447 and 323 are compoundable, which is all the more a reason to accept the compromise between the parties.

In the circumstances, this CrI.M.C. is allowed. Annexure-A1 F.I.R., Annexure-A2 Final Report in Crime No.75/2023 and all further proceedings in C.C.No.199/2023 before the Judicial First Class Magistrate Court, Chittur, are hereby quashed.

Sd/-

C. JAYACHANDRAN

JUDGE

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APPENDIX OF CRL.MC 10652/2024

PETITIONER ANNEXURES

Annexure A1	COPY OF THE FIR NO. 75/2023 OF PUDUNAGARAM POLICE STATION, PALAKKAD
Annexure A2	COPY OF THE CHARGE SHEET IN FIR NO. 75/2023 OF PUDUNAGARAM POLICE WHICH IS NUMBERED AS CC NO: 199/2023
Annexure A3	SWORN AFFIDAVIT OF THE 2ND RESPONDENT EXPRESSING HER DESIRE TO COMPOUND THE CASE