

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS**

**TUESDAY, THE 30TH DAY OF JUNE 2015/9TH ASHADHA, 1937**

**Crl.MC.No. 3975 of 2015**  
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**CC 454/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ATTINGAL  
CRIME NO. 283/2011 OF KADINAMKULAM POLICE STATION , THIRUVANANTHAPURAM**  
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**PETITIONER(S)/ACCUSED:**  
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**T.BABU,  
AGED 54 YEARS, S/O.THOMSON, SNEHALAYAM,  
VALIYAVILAPPURAM, IDAVAL DESOM, KEEZHAR VILLAGE  
THIRUVANANTHAPURAM DISTRICT.**

**BY ADV. SRI.P.ANOOP (MULAVANA)**

**RESPONDENT(S)/STATE, DEFACTO COMPLAINANT:**  
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- 1. STATE OF KERALA,  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SAINABA,  
AGED 59 YEARS, D/O.PATHIMA, NABEEL MANZILIL,  
NEAR KADINAMKULAM POLICE STATION, KADINAMKULAM DESOM,  
KADINAMKULAM VILLAGE, THIRUVANANTHAPURAM DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SRI.N.SURESH  
R2 BY ADV. SRI.V.V.JOY**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 30-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**PJ**

**Crl.MC.No. 3975 of 2015**  
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**APPENDIX**

**PETITIONER(S)' ANNEXURES**  
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**ANNX.A1 - TRUE COPY OF THE FINAL REPORT IN CC 454/2012 OF JUDICIAL  
FIRST CLASS MAGISTRATE COURT-I, ATTINGAL ARISING FROM CRIME  
NO.283/2011 OF THE KADINAMKULAM POLICE STATION,  
THIRUVANANTHAPURAM DISTRICT.**

**ANNX.A2 - AFFIDAVIT FILED BY THE 2ND RESPONDENT.**

**RESPONDENT(S)' ANNEXURES**  
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**NIL.**

**/ TRUE COPY /**

**P.S. TO JUDGE**

**PJ**

ALEXANDER THOMAS, J.

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Crl.M.C No.3975 of 2015

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Dated this the 30<sup>th</sup> day of June, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.283/2011 of Kadinamkulam Police Station, registered under Sections 451, 509 I.P.C. and Sec.119(1) of the Kerala Police Act. 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 2<sup>nd</sup> 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 grievance or complaint.

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.283/2011 of Kadinamkulam Police Station, including all further proceedings arising out of C.C.No.454 of 2012 of Judicial First Class Magistrate Court-I, Attingal 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