

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

FRIDAY, THE 29TH DAY OF JULY 2016/7TH SRAVANA, 1938

Crl.MC.No. 3856 of 2016

CRIME NO. 1196/2015 OF PAYYANNUR POLICE STATION , KANNUR

PETITIONER(S)/ACCUSED :

**GANGADHARAN P.V @ GANGAN,
AGED 40 YEARS, S/O.KANNAN, PALIYERI VEEDU,
KUNIYAN, KERIVELLOOR.**

**BY ADVS. SRI.TITUS MANI
SRI.P.A.JACOB
SRI.BINNY THOMAS
SMT.JINU ANTONY**

RESPONDENT(S)/COMPLAINANT/DE-FACTO COMPLAINANT :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SHAMSUDDHIN,
S/O.MOIDU HAJI, AGED 35 YEARS,
"DARUL RAHMA", NEAR THAYINERI SABTM SCHOOL,
PAYYANNUR.P.O., KANNUR DISTRICT- 670 307.**

**R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE
R2 BY ADV. SMT.P.SREESHA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29-07-2016, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

ANNEXURE A1	TRUE COPY OF THE FIR.
ANNEXURE A2	TRUE COPY OF THE FINAL REPORT FILED BY THE PAYYANNUR POLICE.
ANNEXURE A3	AFFIDAVIT BY THE SECOND RESPONDENT DATED 16.01.2016.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.S.TO JUDGE

Msd.

RAJA VIJAYARAGHAVAN.V., J

Crl.M.C. No. 3856 of 2016

Dated 29th July, 2016

ORDER

- 1.The petitioner is the sole accused in Crime No. 1196 of 2015 of Payyannur Police Station. The aforesaid crime was registered at the instance of the 2nd respondent herein alleging commission of offence punishable under Sections 452, 324 and 307 of the IPC.
- 2.The prosecution allegation is that on 28.8.2015 at 4.30 pm the petitioner assaulted the 2nd respondent and caused him serious injuries.
- 3.Heard the learned counsel for the petitioner, the 2nd respondent and the learned Public Prosecutor.
- 4.It is submitted that the parties have reached an out of court settlement and there is no acrimony between them at present. All the disputes have been amicably resolved and they desire to live in peace and harmony. The 2nd respondent has sworn to an affidavit wherein he asserts

that he has no objection in terminating the proceedings.

5.Relying on the judgment rendered by the Three – Judge Bench of the Apex Court in **Gian Singh v. State of Punjab (2012 (4) KLT 108)** it is prayed that powers under Section 482 of the Code of Criminal Procedure be invoked to quash the criminal proceedings.

6.The learned Public Prosecutor would oppose the submissions and contend that this Court will not be justified in quashing the proceedings as grave offence is made out against the petitioner. It is pointed out that crime has been registered under Section 307 of the IPC.

7.The learned counsel for the petitioner has handed over the accident register cum wound certificate dated 29.8.2015 issued by the Medicolegal Consultant, Mangala Hospital, Kadri, Mangalore. It is borne out from the said certificate that the doctor concerned had opined that the injuries were simple in nature and could have been caused by a sharp pointed weapon. It is also borne out that injuries

Nos.1 to 7 are scratch abrasions and injuries 8 and 9 are incised wounds of very small dimensions.

8.It is thus borne out from the submissions made at the bar that the parties have amicably settled their disputes by their own free will and without any kind of pressure, influence or coercion. The compromise, it is felt, is voluntarily and genuine and can be acted upon.

9.**In Gian Singh v. State of Punjab (2012) 10 SCC 303**), Apex Court has held that in appropriate cases, the High Court can take note of the amicable resolution of disputes between the victim and the wrongdoer to put an end to the criminal proceedings. This view was reiterated in **Narinder Singh v. State of Punjab. (2014) 6 SCC 466**) and **Yogendra Yadav and Others v. State of Jharkhand and Another 2014 (9) SCC 653 .**

10.After having heard the submissions of the learned Counsel and on perusing the records, it appears that the offences are entirely personal in nature and do not affect

public peace or tranquility. It is also felt that quashing of proceedings on account of compromise would bring about peace. In a case such as the instant one, even if the prosecution is allowed to continue, it would not serve any purpose as the possibility of conviction is remote and bleak. It can only result in putting the *de facto* complainant and the accused to unwanted oppression and prejudice. Settlement will augur well for the interest of the community and will enable the parties to live in peace and harmony.

In the result, this petition is allowed. All further proceedings against the petitioner, who is the sole accused in Crime No. 1196 of 2015 of Payyannur Police Station are quashed.

Sd/-
RAJA VIJAYARAGHAVAN.V.,
JUDGE

kp/-30.7.16