

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 30TH DAY OF AUGUST 2019 / 8TH BHADRA, 1941

Cr1.MC.No.5744 OF 2019(G)

AGAINST THE ORDER/JUDGMENT IN CC 100/2018 OF JUVENILE JUSTICE  
BOARD, ERNAKULAM

CRIME NO.325/2018 OF NORTH PARUR POLICE STATION, ERNAKULAM

PETITIONER/ACCUSED:

AMRITHA  
AGED 18 YEARS, D/O.SUNI,  
PUTHUVELINIKATHIL VEEDU,  
NEAR THOOSHAM KAPPELA,  
THOOSAHAM BAGAM, VALLUVALLY KARA,  
KOTTUVALLY VILLAGE  
ERNAKULAM DISTRICT, PIN 683518.

BY ADVS.  
SRI.PRASUN.S  
SRI.N.A.RETHEESH

RESPONDENTS/STATE & DE FACTO COMPLAINANT-CW NOS.1 TO 4-INJURED:

- 1 STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA,  
ERNAKULAM PIN 682031
- 2 AKHIL PRASAD,  
AGED 17 YEARS, MINOR,  
REPRESENTED BY HIS MOTHER SREEJA (FOURTH RESPONDENT),  
S/O.PRASAD,  
KALARIKKAL HOUSE, NEAR THOOSHAM KAPPELA  
THOOSHAM BHAGAM, VALLUVALLY KARA,  
KOTTUVALLY VILLAGE, ERNAKULAM  
NOW RESIDING AT KALARIKAL HOUSE,  
POOSARIPPADI NORTH PARAVUR PIN 683513
- 3 AMAL PRASAD, AGED 18 YEARS,  
S/O.PRASAD, KALARIKKAL HOUSE, NEAR THOOSHAM KAPPELA  
THOOSHAM BHAGAM, VALLUVALLY KARA,  
KOTTUVALLY VILLAGE, ERNAKULAM  
NOW RESIDING AT KALARIKKAL HOUSE,  
POOSARIPPADI NORTH PARAVUR PIN 683513

- 4        SREEJA, AGED 41 YEARS,  
          W/O.PRASAD, KALARIKKAL HOUSE,  
          NEAR THOOSHAM KAPPELA,  
          THOOSHAM BHAGAM, VALLUVALLY KARA,  
          KOTTUVALLY VILLAGE, ERNAKULAM  
          NOW RESIDING AT KALARIKKAL HOUSE,  
          POOSARIPPADI NORTH PARAVUR PIN 683513
- 5        SUJA, AGED 64 YEARS,  
          W/O.RAVI, KALARIKKAL HOUSE,  
          NEAR THOOSHAM KAPPELA,  
          THOOSHAM BHAGAM, VALLUVALLY KARA,  
          KOTTUVALLY VILLAGE, ERNAKULAM  
          NOW RESIDING AT KALARIKKAL HOUSE,  
          POOSARIPPADI NORTH PARAVOUR PIN 683513

SRI.AMJAD ALI, PUBLIC PROSECUTOR FOR R1,  
SRI.M.REVIKRISHNAN FOR R2 TO R5

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON  
30.08.2019, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**ALEXANDER THOMAS, J.**

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**Crl.M.C.No.5744 of 2019**

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Dated this the 30<sup>th</sup> day of August, 2019

**ORDER**

The petitioner herein has been arrayed as the sole accused in Annexure-A1 Final Report in Crime No.325/2018 of North Paravur Police Station, Ernakulam, which has been registered for offences punishable under Secs.341, 323, 324, 326, 506(i), 294(b) read with Sec.34 of the IPC, which led to the institution of C.C.No.100/2018 of the Principal Juvenile Justice Board, Ernakulam. It is stated that now the entire disputes between the petitioner herein and respondent Nos.2 to 5 have been settled amicably and that respondent Nos.2 to 5 sworn to Annexures-A2 to A4 affidavits before this Court, wherein it is stated that they have settled the entire disputes with the petitioner and that they have no objection for quashment of the impugned criminal proceedings pending against the petitioner. It is in the light of these aspects that the petitioner has preferred the instant Crl.M.C. with the prayer to quash the impugned criminal proceedings against her.

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 the continuance of the 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 the 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.

3. Accordingly, it is ordered in the interest of justice that the impugned Annexure-A1 Final Report in Crime No.325/2018 of North Paravur Police Station, Ernakulam, which led to the institution of

C.C.No.100/2018 of the Principal Juvenile Justice Board, Ernakulam and all further proceedings arising therefrom pending against the accused will stand quashed.

4. The petitioner will produce certified copies of this order to the Investigating Officer concerned and the competent court below concerned. Office of Advocate General will forward a copy of this order to the Investigating Officer concerned, for necessary information.

With these observations and directions, the above Criminal Miscellaneous Case stands finally disposed of.

**Sd/-  
ALEXANDER THOMAS  
JUDGE**

vgd

APPENDIX

PETITIONER'S/S EXHIBITS:

ANNEXURE A1	THE TRUE COPY OF THE FINAL REPORT IN C.C.NO.100 OF 2018 OF THE PRINCIPAL JUVENILE JUSTICE BOARD, ERNAKULAM.
ANNEXURE A2	THE AFFIDAVIT DATED 13/08/2019 SWORN BY THE 3RD RESPONDENT HEREIN.
ANNEXURE A3	THE AFFIDAVIT DATED 13/08/2019 SWORN BY THE 4TH RESPONDENT HEREIN.
ANNEXURE A4	THE AFFIDAVIT DATED 13/08/2019 SWORN BY THE 5TH RESPONDENT HEREIN.