

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

**PRESENT:**

**THE HONOURABLE MR.JUSTICE S.S.SATHEESACHANDRAN**

**MONDAY, THE 11TH DAY OF JUNE 2012/21ST JYASHTA 1934**

**Crl.MC.No. 2123 of 2012 ( )**  
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**( IN CRIME NO. 4111/2011 OF ERNAKULAM CENTRAL POLICESTATION)**

**PETITIONER/ACCUSED:**  
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**DHANEESH K.P., AGED 26 YEARS  
S/O.PEETHAMBARAN, KOZHIKKATTIL HOUSE  
THAYIKKATTUKARA, S.N.PURAM, ALUVA  
ERNAKULAM DISTRICT.**

**BY ADV. SRI.T.P.SANTHOSH KUMAR**

**RESPONDENTS/STATE AND CW1:**  
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**1. STATE OF KERALA  
REPRESENTED BY THE SUB INSPECTOR OF POLICE  
ERNAKULAM CENTRAL POLICE STATION  
REPRESENTED BY PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM.**

**2. SHIBIN VARGHESE, AGED 28 YEARS  
S/O.VARGHESE, KAYYALAKAL HOUSE, KALAVAMKODAM P.O.  
VALAYAR EAST VILLAGE, CHETHALA TALUK  
ALAPUZHA DISTRICT.**

**BY ADV. SRI.BIBIN K.DIVAKARAN  
BY PUBLIC PROSECUTOR SRI. R.RANJITH**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON  
11-06-2012, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**Crl.MC.No. 2123 of 2012 ( )**

**APPENDIX**

**PETITIONER(S) ANNEXURES:**

**ANNEXURE A: FIR IN CRIME NO. 4111/2011 OF ERNAKULAM CENTRAL  
POLICE STATION FILED BEFORE THE JUDICIAL FIRST CLASS  
MAGISTRATE COURT-II, ERNAKULAM.**

**ANNEXURE B: NOTARIZED AFFIDAVIT SWORN BY THE 2ND RESPONDENT.**

**RESPONDENTS' ANNEXURES :           NIL**

**//TRUECOPY//**

**P.A. TO JUDGE.**

**dIK**

**S.S.SATHEESACHANDRAN, J.**

**Crl.M.C No.2123 OF 2012**

**Dated this the 11<sup>th</sup> day of June, 2012**

**ORDER**

Petitioner is the first accused in Crime No.4111/2011 of Ernakulam Central Police Station registered for the offences under Sections 308, 324 and 326 r/w Section 34 of Indian Penal Code. The above petition has been filed to quash the F.I.R registered in the crime setting forth a case that composition of the offences has been entered into with the de facto complainant/injured. With the petition, an affidavit sworn to by the de facto complainant/informant of the crime has also been produced. Submissions made by the counsel for the petitioner and also the second respondent, the de facto complainant, are to the effect that the parties have settled the disputes between them. Disputes involved are purely personal and no public interest as such is involved in the case to decline the request made by them for recognizing the settlement effected and also for dropping the criminal proceedings, is the further submission. I cannot agree. Offences involved in the case are prima facie shown to be grave and the investigation is only in the preliminary stage. Petitioner and the second respondent cannot canvass a case that such

offences, if committed, are purely personal, which in fact is an affront to the public interest at large. If any settlement has been effected by parties it can be brought to the notice of the investigation officer, and it is for him to examine and consider any such circumstance, if that be so, to decide whether indictment of the offences for prosecution of the accused is called for. It is also open to the parties to approach the Government to exercise its power for withdrawal of the case. However, exercise of inherent power of this court to quash the F.I.R of the crime, cannot be made on the ground that the parties have settled the disputes.

Petition is dismissed.

vdv

Sd/-  
**S.S.SATHEESACHANDRAN, JUDGE**