IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 16TH DAY OF OCTOBER 2019 / 24TH ASWINA, 1941

Crl.MC.No.7138 OF 2019(B)

CRIME NO.412/2019 OF PARIYARAM POLICE STATION , Kannur

PETITIONER/S:

> RATHEESH.V.R, AGED 31 YEARS
> S/O.REVINDRAN NAIR, VATTOLIL HOUSE,
> KARTHIKAPURAM.P.O, ALAKODE VIA UDAYAGIRI AMSOM,
> TALIPARAMBA TALUK, KANNUR DISTRICT-670571
>
> BY ADV. SRI.V.A.SATHEESH

RESPONDENT/S:

> 1   STATE OF KERALA, REP. BY THE PUBLIC PROSECUTOR,
> HIGH COURT OF KEALA AT ERNAKULAM THROUGH
> S.H.O.KUDIYANMALA POLICE STATION, KANNUR DISTRICT
>
> 2   SHINTU T.R., AGED 32 YEARS, W/O.RAJESH, NAYANA
> VEETTIL, PUTHOORKUNNU, PARIYARAM MEDICAL
> COLLEGE.P.O, KADANNAPPALLI AMSOM, KANNUR DISTRICT-
> 670503
>
> R2 BY ADV. V.T.MADHAVANUNNI

OTHER PRESENT:

> SRI.P.N.SUMODU,PUBLIC PROSECUTOR

    THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 16.10.2019, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ALEXANDER THOMAS, J.

===================

Crl.M.C.No. 7138 of 2019

===================

Dated this the 16th day of October, 2019

O R D E R

The petitioner herein is the accused in the impugned Anx. A-1 FIR in Crime No.412/2019 of Pariyaram Medical College Police Station, registered for offences punishable under Secs.341, 354D and 506(ii) of the I.P.C., on the basis of the complaint of the 2nd respondent defacto complainant. It is stated that now the entire disputes between the petitioner and the 2nd respondent defacto complainant have been settled amicably and that the 2nd respondent has sworn to affidavit dated 26.9.2019 before this Court, wherein it is stated that she has settled the entire disputes with the petitioner and that she has 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 him.

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 Anx. A-1 FIR in Crime No.412/2019 of Pariyaram Medical College Police Station and all further proceedings arising therefrom pending against the accused will stand quashed.

The petitioner will produce certified copies of this order before the investigating officer concerned and the competent court below

concerned. The office of the Advocate General will forward copy of this order to the investigating officer concerned for information.

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

Sd/-

sdk+ **ALEXANDER THOMAS, JUDGE**

APPENDIX