



2025:KER:20354

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN

TUESDAY, THE 25TH DAY OF FEBRUARY 2025 / 6TH PHALGUNA, 1946

CRL.MC NO. 1265 OF 2025

CRIME NO.578/2015 OF KANJAR POLICE STATION, IDUKKI

IN CC NO.174 OF 2018 OF CHIEF JUDICIAL MAGISTRATE, THODUPUZHA

PETITIONER/ACCUSED NO.2:

- 1 ARAVIND GOPAN
AGED 30 YEARS
S/O GOPAKUMAR VALLOLKUNNEL HOUSE,
ARAKKULAM P.O, ARAKKULAM VILLAGE,
THODUPUZHA TALUK, IDUKKI DISTRICT, PIN - 685591

BY ADVS.
JITHIN BOSE
AMEER SALIM

RESPONDENTS/STATE, COMPLAINANT & DEFACTO COMPLAINANT:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031
- 2 STATION HOUSE OFFICER OF KANJAAR POLICE STATION
KANJAAR, THODUPUZHA- MOOLAMATTAM ROAD, THODUPUZHA
TALUK, IDUKKI DISTRICT,, PIN - 685590
- 3 JOSEPH JOHN
AGED 61 YEARS
S/O THOMMAN JOSEPH, KARONDUKADAVIL, PUTHANPALLI BHAGAM,
ARAKKULAM KARA, ARAKKULAM VILLAGE, THODUPUZHA TALUK,
IDUKKI DISTRICT NOW RESIDES AT KARONDUKADAVIL HOUSE,
POOVARANI P.O, PAIKA, KOTTAYAM, PIN - 686577



4 JOBILA
 AGED 29 YEARS
 D/O JOSEPH JOHN, KARONDUKADAVIL, PUTHANPALLI BHAGAM,
 ARAKKULAM KARA, ARAKKULAM VILLAGE, THODUPUZHA TALUK,
 IDUKKI DISTRICT NOW RESIDES AT KARONDUKADAVIL HOUSE,
 POOVARANI P.O, PAIKA, KOTTAYAM, PIN - 686577

BY ADVS.
SRI.C.N.PRABHAKARAN, SENIOR PUBLIC PROSECUTOR
SMT. K.R.MONISHA FOR R3 AND R4

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
25.02.2025, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:



C. JAYACHANDRAN, J.

Cr1.M.C.No.1265 of 2025

Dated, this the 25th day of February, 2025

ORDER

A five Judges Bench of the Punjab and Haryana High Court in *Kulwinder Singh and Others v. State of Punjab and Another* [(2007) 4 CTC 769], framed broad guidelines as regards quashment of the criminal proceedings under Section 482 of the Code in respect of offences which are not compoundable in terms of Section 320 of the Code. One among the guidelines was that the offences against human body, other than murder and culpable homicide, may be permitted to be compounded, when the court is in a position to record a finding that the settlement between the parties is voluntary and fair. These guidelines were quoted with approval by a three Judges Bench of the Hon'ble Supreme Court in *Gian Singh v. State of Punjab and another* [(2012) 10 SCC 303]. Similarly in *Narinder Singh and Others v. State of Punjab* [(2014) 6 SCC 466], the Hon'ble Supreme Court has gone to the extent of sanctioning invocation of



the inherent power under Section 482 of the Criminal Procedure Code to quash the F.I.R. in a crime alleging offence under Section 307, which is a heinous and serious offence. A practical approach is seen adopted by the Hon'ble Supreme in ***Madan Mohan Abbot v. State of Punjab*** [(2008) 4 SCC 582] as regards quashment in respect of offences like 379, 406, 409, 418, etc., the relevant findings of which are extracted herebelow:

“6. We need to emphasise that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilised in deciding more effective and meaningful litigation. This is a common sense approach to the matter based on ground of realities and bereft of the technicalities of the law.”

2. In the facts at hand, petitioner is the 2nd accused in Crime No.578/2015 of Kanjar Police Station, Idukki, now pending as C.C.No.174/2018 before the Chief Judicial



Magistrate Court, Thodupuzha. As per the final report, the offences alleged are under Sections 66E and 67 of the Information Technology Act and also under Section 469 and 34 of the Indian Penal Code. The petitioner seeks quashment of entire proceedings in the above Calendar Case, on the strength of the settlement arrived at by and between the parties.

3. Heard the learned counsel for the petitioner, learned counsel for the 3rd respondent/defacto complainant and 4th respondent and the learned Senior Public Prosecutor. Perused the records.

4. When this Cr1.M.C was moved, this Court directed to record the statement of the defacto complainant. The said direction was complied and the statements of the defacto complainant (3rd respondent herein) and 4th respondent (victim) were handed over. On perusal of the same, it is clear that the issues between the petitioner, the defacto complainant and the victim are settled amicably and that they have no objection in quashing the criminal proceedings against the petitioner. That apart, it is noticed that,



along with this Crl.M.C, affidavits have been sworn to by the defacto complainant (3rd respondent herein) and the 4th respondent (victim) as Annexures-A3 and A4, wherein they would unequivocally state that the disputes have been amicably settled. They would also swear that no dispute subsisting against the petitioner and that they have no objection in quashing further proceedings against the petitioner. The affidavits are sworn to on their own volition, without any compulsion, whatsoever. This Court, is therefore, convinced that the settlement arrived at is genuine and bonafide. Learned Counsel for the respondent nos. 3 and 4 would also endorse that the quashment sought for can be allowed.

5. In the light of the above referred facts, this Court is of the opinion that the necessary parameters, as culled out in **Narinder Singh** (supra), **Madan Mohan Abbot** (supra) and **Gian Singh** (Supra), are fully satisfied. This Court is convinced that further proceedings against the petitioner will be a futile exercise, inasmuch as the disputes have already been settled. There is little possibility of any



conviction in the crime. *Dehors* the settlement arrived at by and between the parties, if they are compelled to face the criminal proceedings, the same, in the estimation of this Court, will amount to abuse of process of Court. The quashment sought for would secure the ends of justice.

In the circumstances, this Cr1.M.C. is allowed. Annexure-A2 Final Report in Crime no.578/2015 and all further proceedings in C.C.No.174/2018 of the Chief Judicial Magistrate Court, Thodupuzha, as against the petitioner, are hereby quashed.

Sd/-

C. JAYACHANDRAN

JUDGE

SKP



APPENDIX OF CRL.MC 1265/2025

PETITIONER'S ANNEXURES:

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| ANNEXURE A1 | THE CERTIFIED COPY OF THE FIRST INFORMATION REPORT IN CRIME NO. 578 OF 2015 OF THE KANJAAR POLICE STATION, IDUKKI DISTRICT ALONG WITH THE STATEMENT OF THE DEFACTO COMPLAINANT |
| ANNEXURE A2 | THE CERTIFIED COPY OF FINAL REPORT IN C.C. NO. C.C 174 OF 2018 ON THE FILE OF THE CHIEF JUDICIAL MAGISTRATE COURT, THODUPUZHA, IDUKKI |
| ANNEXURE A3 | THE ORIGINAL AFFIDAVIT SWORN TO BY THE 3RD RESPONDENT DATED 23.01.2025 |
| ANNEXURE A4 | THE ORIGINAL AFFIDAVIT SWORN TO BY THE 4TH RESPONDENT DATED 23.01.2025 |

RESPONDENTS' ANNEXURES: NIL

TRUE COPY

P.A. TO JUDGE