



2025:KER:19741

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN

MONDAY, THE 24TH DAY OF FEBRUARY 2025 / 5TH PHALGUNA, 1946

CRL.MC NO. 1266 OF 2025

CRIME NO.547/2024 OF OCHIRA POLICE STATION, KOLLAM

IN CC NO.798 OF 2024 OF JUDICIAL MAGISTRATE OF FIRST CLASS - I,

KARUNAGAPPALLY

PETITIONERS/ACCUSED NO.1 TO 4:

- 1 AMITH P
AGED 23 YEARS
S/O PURUSHOTHAMAN BHAKTHIPURATH, PRAYAR SOUTH,
ALUMPEEDIKA P.O. KOLLAM, PIN - 690547
- 2 AMAN DEV S
AGED 22 YEARS
S/O SAJEEV ARAMAM, PRAYAR SOUTH, CLAPPANA.
KOLLAM., PIN - 690547
- 3 BINJITH BALAN
AGED 22 YEARS
S/O BALAN, BINJITH BHAVANAM, AYIRAMTHENGU ALUMPEEDIKA
P.O, KOLLAM, PIN - 690547
- 4 HARSHAK NATH
AGED 22 YEARS
S/O HARIKUMAR, ARYA MADAM, CLAPPANA, CLAPPANA VILLAGE.
KOLLAM, PIN - 690547

BY ADV MEGHA.M.S.

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031



- 2 STATION HOUSE OFFICER
OCHIRA POLICE STATION, KOLLAM DISTRICT, PIN - 690526
- 3 MINI PRAMOD
AGED 41 YEARS
BIJU BHAVANAM, ALUMPEEDIKA, CLAPPANA, KOLLAM, PIN - 690547
- 4 BABY
AGED 45 YEARS
ASHOKA BHAVANAM PRAYAR SOUTH, ALUMPEEDIKA
CLAPPANA.KOLLAM, PIN - 690547
- 5 ADITHYAN
AGED 19 YEARS
BIJU BHAVANAM, ALUMPEEDIKA, CLAPPANA. KOLLAM, PIN - 690547
- 6 ATHUL,
AGED 18 YEARS
ASHOKA BHAVANAM PRAYAR SOUTH, ALUMPEEDIKA
CLAPPANA.KOLLAM, PIN - 690547

BY ADVS.
SRI.E.C.BINEESH, PUBLIC PROSECUTOR
SRI. ARJUN BABU T.P. FOR R3 TO R6

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
24.02.2025, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:



C. JAYACHANDRAN, J.

Cr1.M.C.No.1266 of 2025

Dated, this the 24th 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 here below:

“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, petitioners are accused nos.1 to 4 in Crime No.547/2024 of Oachira Police Station, Kollam, now pending as C.C.No.798/2024 before the Judicial First Class Magistrate Court-I, Karunagappally. As per the final



report, the offences alleged are under Sections 341, 323 and 506, read with Section 34 of the Indian Penal Code. The petitioners seek 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 petitioners, learned counsel for the defacto complainant/3rd respondent and respondent nos. 4 to 6, and the learned 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), 4th respondent and respondent nos.5 and 6 (injured in the above crime) were handed over. On perusal of the same, it is clear that they are disinterested to proceed with the case against the 1st petitioner, since the 1st petitioner, along with his father, has tendered an apology and requested that the case against him has to be withdrawn, as he needs to go abroad for his future studies. That apart, it is noticed that, along with



this Crl.M.C, an affidavit has been sworn to by the defacto complainant (3rd respondent herein) as Annexure-A3, wherein she would unequivocally state that the disputes between the petitioners and the defcato complainant have been amicably settled and that the complaint stemmed from some mistake. The defacto complainant would also swear that she has no grievance against the petitioners and has no objection in quashing the criminal proceedings against the petitioners. This Court also takes note of Annexures A4 to A6 affidavits sworn by respondent nos.4 to 6, injured persons, wherein they would also vouch the factum of settlement claimed by the petitioners. 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 to 6 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 petitioners 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. This Court also notice that offences under Sections 341, 323 and 506 are compoundable, which is all the more a reason to accept the compromise between the parties.

In the circumstances, this Crl.M.C. is allowed. Annexure-A2 Final Report in Crime no.547/2024 and all further proceedings in C.C.No.798/2024 of the Judicial First Class Magistrate Court-I, Karunagappally, as against the petitioners, are hereby quashed.

Sd/-

C. JAYACHANDRAN

JUDGE

SKP



APPENDIX OF CRL.MC 1266/2025

PETITIONERS' ANNEXURES:

- ANNEXURE A1 A TRUE COPY OF THE FIR NO. 0547/2024 DATED
06/06/2024 OF OCHIRA POLICE STATION, KOLLAM
CITY
- ANNEXURE A2 THE CERTIFIED COPY OF THE SAID FINAL REPORT
FILED IN THE ABOVE CRIME BEFORE THE JFMC
KARUNAGAPPALLY I
- ANNEXURE A3 THE 3RD RESPONDENT/DE-FACTO COMPLAINANT HAD
EXECUTED AN AFFIDAVIT DATED 17.01.2025
EXPRESSING HER VOLITIONAL CONSENT TO QUASH
THE PROSECUTION PROCEEDINGS IN CRIME NO.
0547/2024 OF THE OCHIRA POLICE STATION,
KOLLAM CITY
- ANNEXURE A4 THE 4TH RD RESPONDENT/DE-FACTO COMPLAINANT
HAD EXECUTED AN AFFIDAVIT DATED 17.01.2025
EXPRESSING HER VOLITIONAL CONSENT TO QUASH
THE PROSECUTION PROCEEDINGS IN CRIME NO.
0547/2024 OF THE OCHIRA POLICE STATION,
KOLLAM CITY
- ANNEXURE A5 THE 5TH RESPONDENT/COMPLAINANT HAD EXECUTED
AN AFFIDAVIT DATED 17.01.2025 EXPRESSING
HIS VOLITIONAL CONSENT TO QUASH THE
PROSECUTION PROCEEDINGS IN CRIME NO.
0547/2024 OF THE OCHIRA POLICE STATION,
KOLLAM CITY
- ANNEXURE A6 THE 6TH RESPONDENT/ COMPLAINANT HAD
EXECUTED AN AFFIDAVIT DATED 17.01.2025
EXPRESSING HIS VOLITIONAL CONSENT TO QUASH
THE PROSECUTION PROCEEDINGS IN CRIME NO.
0547/2024 OF THE OCHIRA POLICE STATION,
KOLLAM CITY

RESPONDENTS' ANNEXURES: NIL

TRUE COPY

P.A. TO JUDGE