



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN

THURSDAY, THE 6TH DAY OF MARCH 2025 / 15TH PHALGUNA, 1946

CRL.MC NO. 3726 OF 2024

CRIME NO.375/2019 OF Pallikkathode Police Station, Kottayam

AGAINST THE ORDER/JUDGMENT IN CC NO.935 OF 2021 OF JUDICIAL
MAGISTRATE OF FIRST CLASS -I,KANJIRAPPALLY

PETITIONER/ACCUSED NO.1:

VINUMON
AGED 39 YEARS
PUTHUPALLIKUNNEL HOUSE VAZHOOOR P.O., VAZHOOOR VILLAGE
CHANGANACHERRY TALUK KOTTAYAM DISTRICT,, PIN - 686504

BY ADVS.
BINDUMOL JOSEPH
RIYAS M.B.

RESPONDENTS/STATE/DEFACTO COMPLAINANT:

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

2 SHEEBA
AGED 37 YEARS W/O. VINUMON VAZHOOOR VILLAGE, VAZHOOOR
P.O, PIN- PUTHUPALLIKUNNEL HOUSE NOW RESIDING AT
MUMBAI, CHORAGAVE, MOTTILAL NAGAR STREET, ROOM NO.
96/769, PIN - 686504

BY ADV.
PP SRI. SANAL P RAJ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
06.03.2025, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:



C. JAYACHANDRAN, J.

CrL.M.C.No.3726 of 2024

Dated, this the 6th day of March, 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 1st accused in Crime No.375/2019 of Pallikathodu Police Station, Kottayam, now pending as C.C.No.935/2021 before the Judicial First Class Magistrate Court-I, Kanjirappally. As per the final report the offences alleged are under Sections 454, 447, 506(i), 342 and 34 of the Indian Penal Code and Section 31 of the Protection of Women from Domestic Violence Act, 2005. 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 and the learned Public Prosecutor. Perused the records.

4. In this case, it is noticed that an affidavit of the defacto complainant endorsing the factum of settlement is not appended with the Crl.M.C. However, the Investigating Officer had recorded the statement of the defacto complainant (2nd respondent herein) wherein she would unequivocally state that the issues between



the petitioner and the defacto complainant are settled amicably and that the defacto complainant has no objection in quashing the criminal proceedings against the petitioner. This Court has also perused Annexure-A3 agreement executed between the defacto complainant and the accused persons in the said crime, vouching the factum of settlement. Pursuant to the settlement between the parties, MC 19/2019 of the Judicial First Class Magistrate Court-I, Kanjirappally, was closed vide Annexure-A4 Order. On perusal of Annexure-A5 Judgment in OP 614/2019, it is clear that the marriage between the petitioner and the defacto complainant has been dissolved by way of mutual divorce. In the circumstances, the absence of the affidavit of the 2nd respondent need not stand in the way of the relief sought for. This Court is satisfied that the settlement claimed by the petitioner is genuine, wherefore, the relief for quashment of the criminal proceedings 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. This Court also notice that offences under Sections 447, 506(i) and 342 are compoundable, which is all the more a reason to accept the compromise between the parties.

In the circumstances, this CrI.M.C. is allowed. Annexure-A1 F.I.R., Annexure-A2 Final Report in Crime



CRL.MC NO. 3726 OF 2024

7

2025:KER:22713

No.375/2019 and all further proceedings in
C.C.No.935/2021 of the Judicial First Class Magistrate
Court-I, Kanjirappally, are hereby quashed.

Sd/-

C. JAYACHANDRAN

JUDGE

ska



APPENDIX OF CRL.MC 3726/2024

PETITIONER ANNEXURES

Annexure A1	CERTIFIED COPY OF THE FIRST INFORMATION REPORT IN CRIME NO. 375/2019 OF PALLIKATHODU POLICE STATION
Annexure A2	CERTIFIED COPY OF THE FINAL REPORT IN CC NO. 935/2021 ON THE FILE OF THE HON'BLE JUDICIAL FIRST CLASS MAGISTRATE COURT, KANJIRAPPALLY
Annexure A3	A TRUE COPY OF AGREEMENT DATED 29/03/2019 EXECUTED BETWEEN PETITIONER AND 2ND RESPONDENT
Annexure A4	A TRUE COPY OF ORDER DATED 29/03/2019 IN CMP NOM 1799/2019 IN MC NO 19/2019 BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, -I KANJIRAPPALLY
Annexure A5	A TRUE COPY OF JUDGEMENT DATED 01/09/2021 IN OP NO 614/2019 BEFORE THE FAMILY COURT, PALA