



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN

MONDAY, THE 17TH DAY OF FEBRUARY 2025 / 28TH MAGHA, 1946

CRL.MC NO. 5072 OF 2024

CRIME NO.576/2015 OF KURATHIKADU POLICE STATION, ALAPPUZHA
AGAINST THE ORDER/JUDGMENT DATED IN CC NO.460 OF 2024 OF
JUDICIAL MAGISTRATE OF FIRST CLASS -I, MAVELIKKARA

PETITIONER/DEFACTO COMPLAINANT:

MANIYAMMA
AGED 56 YEARS
W/O SASEENDRAN, M.S. BHAVANAM, UMBERNAD MURI,
THEKKEKKARA VILLAGE,
ALAPPUZHA DISTRICT, PIN - 690107

BY ADVS.
P.V.DILEEP
A.MUJEEB REHUMAN

RESPONDENTS/STATE, COMPLAINANT & 2ND ACCUSED:

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



2 THE STATION HOUSE OFFICER
KURATHIKADU POLICE STATION, KURATHIKADU.P.O,
ALAPPUZHA DISTRICT, PIN - 690107

3 RAHUL RAJ
AGED 32 YEARS
S/O RAJENDRAN PILLAI, THUNDATHIL VEEDU,
UMBARNADU MURI, THEKKEKKARA VILLAGE,
ALAPPUZHA DISTRICT, PIN - 690107

BY ADV.E.C.BINEESH, PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 17.02.2025, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:



O R D E R

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 Court 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, petitioner is the defacto complainant and the 3rd respondent is the 2nd accused in Crime No.576 of 2015 of Kurathikadu Police Station, Alappuzha, now



pending as C.C.No.460/2024 before the Judicial First Class Magistrate Court-I, Mavelikkara. As per the Final Report, the offences alleged are under Sections 143, 147, 148, 149, 452, 506(ii) and 427 of the Indian Penal Code. Accused nos.1 and 3 in the said crime were acquitted as per Annexures-2 and 3 judgments of the Judicial First Class Magistrate Court-I, Mavelikkara. 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. 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 statement of the defacto complainant was handed over. On perusal of the same, it is clear that the issues between the defacto complainant and



the 3rd respondent are settled and that she is disinterested to proceed with the prosecution case, any further. That apart, it is noticed that, along with this Cr1.M.C, an affidavit has been sworn to by the defacto complainant as Annexure-4, wherein she would unequivocally state that the disputes have been settled out of the Court and she is not interested to continue with the case against the 2nd accused (3rd respondent herein) any more. The defacto complainant would also swear that they have no objection in quashing the criminal proceedings against the 3rd respondent and that the affidavit is sworn to on her volition, without any compulsion, whatsoever. This Court is therefore convinced that the settlement arrived at is genuine and bonafide.

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 506(ii) and 427 are compoundable, which is all the more a reason to accept the compromise between the parties.

6. In the circumstances, this Cr1.M.C. is allowed. Annexure-1 Final Report and all further proceedings in C.C.No.460/2024 of the Judicial First Class Magistrate Court-I, Mavelikkara, are hereby quashed.

Sd/-

C.JAYACHANDRAN, JUDGE



APPENDIX OF CRL.MC 5072/2024

PETITIONER ANNEXURES

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| ANNEXURE-1 | THE TRUE COPY OF THE FINAL REPORT/CHARGE SHEET IN CRIME NO.576/2015 OF KURATHIKADU POLICE STATION IN ALAPPUZHA DISTRICT. |
| ANNEXURE-2 | THE TRUE COPY OF THE JUDGEMENT DATED 06.11.2019 IN C.C.NO. 937/2016 ON FILE OF THE JUDICIAL MAGISTRATE COURT-I, MAVELIKKARA. |
| ANNEXURE-3 | THE TRUE COPY OF THE JUDGEMENT DATED 01.06.2024 IN C.C.NO.715/2019 ON FILE OF THE JUDICIAL MAGISTRATE COURT-I, MAVELIKKARA. |
| ANNEXURE-4 | ORIGINAL AFFIDAVIT FILED OF THE PETITIONER/DEFACTO COMPLAINANT. |