



2025:KER:18123

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN

TUESDAY, THE 4TH DAY OF MARCH 2025 / 13TH PHALGUNA, 1946

CRL.MC NO. 6985 OF 2024

CRIME NO.705/2024 OF PALARIVATTOM POLICE STATION, ERNAKULAM

PETITIONER/ACCUSED:

- 1 BYJU A K
AGED 53 YEARS
S/O KUNJU, KOLLAMPARAMBIL HOUSE, ALINCHUVADU,
VENNALA, ERNAKULAM., PIN - 682028

BY ADV M.J.SAJITHA

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM-682031., PIN - 682031
- 2 POOJA BYJU,
AGED 22 YEARS
D/O BYJU A K KOLLAMPARAMBIL HOUSE, ALINCHUVADU,
VENNALA, ERNAKULAM, PIN - 682028
- 3 BINDHU
AGED 49 YEARS
W/O BYJU A K, KOLLAMPARAMBIL HOUSE, ALINCHUVADU,
VENNALA, ERNAKULAM, PIN- 682 028, PIN - 682028

BY ADVs.

SRI. C.N PRABHAKARAN, SENIOR PUBLIC PROSECUTOR
K.K.SUBITHA FOR R2 AND R3

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
04.03.2025, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:



C. JAYACHANDRAN, J.

Cr1.M.C.No.6985 of 2024

Dated, this the 04th 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 sole accused in Crime No.705/2024 of Palarivattom Police Station, Ernakulam. The offences alleged are under Sections 323,



294(b) and 506 of the Indian Penal Code. The petitioner seeks quashment of entire proceedings in the above crime, 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 defacto complainant/2nd respondent and 3rd respondent, 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 and the 3rd 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 and that they are not interested to proceed with the 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 (2nd respondent herein) as Annexure-A2, wherein she would unequivocally state that the disputes have been settled amicably and that



the complaint stemmed from misunderstanding. The defacto complainant would also swear that she has no surviving grievance against the petitioner and that she has no objection in quashing the criminal proceedings against the petitioner. The affidavit is sworn on to her own volition. This Court has also perused Annexure-A3 affidavit sworn to by the victim, wherein she would also vouch the factum of settlement claimed by the petitioner.

5. In this case, the learned public prosecutor pointed out that the petitioner/accused had six other criminal antecedents. In the circumstances, this Court, by order dated 24.02.2025, directed the defacto complainant and victim to be present before District Legal Services Committee, Ernakulam, for video conference, so as to assess the genuineness of the settlement. Accordingly, the said persons were present and this Court interacted with them. They are none other than the wife and daughter of the petitioner/accused. Both of them would submit that the settlement is genuine and not influenced by any threat or coercion. In the circumstances, the fact that the



petitioner is undergoing life imprisonment in a case involving the offence under Section 302 and that, he is involved in the rowdy sheet of Palarivattom Police Station or the fact that he is involved in six other crimes cannot stand in the way of settlement of the instant case. This is all the more so when the defacto complainant/victim is none other than the wife and daughter of the petitioner/accused harbors no grievance, whatsoever, against the petitioner presently.

6. 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 323 and 506 are compoundable, which is all the more a reason to accept the compromise between the parties.

In the circumstances, this Cr1.M.C. is allowed. Annexure-A1 F.I.R. in Crime no.705/2024 of Palarivattom Police Station and all further proceedings pursuant there to are hereby quashed.

Sd/-

C. JAYACHANDRAN

JUDGE



Crl.M.C.No.6985 of 2024

2025:KER:18123

- 8 -

APPENDIX OF CRL.MC 6985/2024

PETITIONER'S ANNEXURES:

ANNEXURE A1 TRUE COPY OF THE F.I.R IN CRIME NO 705/2024

ANNEXURE A2 AFFIDAVIT SWORN IN BY THE 2ND RESPONDENT

ANNEXURE A3 AFFIDAVIT SWORN IN BY THE 3RD RESPONDENT

RESPONDENTS' ANNEXURES: NIL

TRUE COPY

P.A. TO JUDGE