



2025:KER:26649

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN

TUESDAY, THE 25TH DAY OF MARCH 2025 / 4TH CHAITHRA, 1947

CRL.MC NO. 7945 OF 2024

CRIME NO.96/2023 OF Vadakkekara Police Station, Ernakulam

AGAINST CC NO.648 OF 2023 OF JUDICIAL MAGISTRATE OF FIRST
CLASS-I, NORTH PARAVUR

PETITIONERS/ACCUSED 1-2:

- 1 ANU SURAJ K.P
AGED 33 YEARS
S/O PAVANAN, KAKKANATTU HOUSE, HOUSE NO. 4/417,
CHITTATTUKARA GRAMA PANCHAYAT, PARAYAKAD DESOM, NORTH
PARAVUR VILLAGE, PARAVUR TALUK, ERNAKULAM DISTRICT,
PIN - 683513
- 2 LETHIKA R.K
AGED 61 YEARS
W/O PAVANAN, KAKKANATTU HOUSE, HOUSE NO. 4/417,
CHITTATTUKARA GRAMA PANCHAYAT, PARAYAKAD DESOM, NORTH
PARAVUR VILLAGE, PARAVUR TALUK, ERNAKULAM DISTRICT, PIN
- 683513

BY ADVS.
P.M.ABDUL JALEEL (KODUNGALLUR)
K.SHAMEER MOHAMMED
K.N.MUHAMMED THANVEER
ARUNIMA.T.S.
ALTHAF AHMED ABDU

RESPONDENTS/COMPLAINANT/STATE:

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



- 2 STATION HOUSE OFFICER
VADAKKEKARA POLICE STATION, NORTH PARAVUR,
ERNAKULAM, PIN - 683516
- 3 SWATHI SAJEEV
AGED 28 YEARS
D/O. SAJEEVAN, MADATHISSERIL HOUSE, NEAR VAVAKAD
SNDP, VAVAKAD DESOM, MOOTHAKUNNAM VILLAGE, NORTH
PARAVUR TALUK, ERNAKULAM DISTRICT, PIN - 683516
- 4 SANDEEP
AGED 29 YEARS
S/O. SAJEEVAN, MADATHISSERIL HOUSE, NEAR VAVAKAD
SNDP, VAVAKAD DESOM, MOOTHAKUNNAM VILLAGE, NORTH
PARAVUR TALUK, ERNAKULAM DISTRICT, PIN - 683516

BY ADV.SANIYA JOSE MAMPILLY
ADV.SEENA C. - PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 25.03.2025, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:



O R D E R

Dated this the 25th day of March, 2025

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 offences 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, petitioners are accused nos.1 and 2 in crime no.96/2023 of Vadekkekara Police Station,



Ernakulam, now pending as C.C.No.648/2023 before the Judicial First Class Magistrate Court-I, North Paravur. As per the Final Report the offences alleged are under Sections 341, 323 and 34 of the Indian Penal Code. The petitioners seek quashment of the 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, the learned counsel for respondents 3 and 4, and the learned Senior Public Prosecutor. Perused the records.

4. When this Crl.M.C was moved, this Court directed to record the statements of the defacto complainant and the injured. The said direction was complied and their statements were handed over. On perusal of the same, it is clear that the issues between the petitioners and respondents 3 and 4 have been settled and that the 1st petitioner/1st accused and the defacto complainant/ 3rd respondent are legally separated by way of mutual



divorce. The defacto complainant and the injured are disinterested to proceed with the prosecution case, any further and that they have no objection in quashing the criminal proceedings against the petitioners. 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 (injured), wherein, they would unequivocally state that the disputes have been amicably settled in mediation and that the defacto complainant and the 1st petitioner have decided to dissolve their marriage. They would also swear that they have no existing enmity towards the petitioners and that they have no objection in quashing the criminal proceedings against the petitioners. They do not intend to proceed further with the prosecution case against the petitioners and that the affidavits are sworn to on their own volition, without any compulsion, whatsoever. Annexure-A4 is the certified copy of the mediation agreement executed by and between the petitioners and the 3rd respondent, in O.P.No.1411/2023 before the Family



Court, North Paravur, wherein also, the factum of settlement, the return of gold ornaments, the decision to dissolve the marriage, and also to settle the instant criminal case are seen reiterated. Learned counsel for the defacto complainant and the injured, would also endorse that the quashment sought for can be allowed. This Court is satisfied that the settlement claimed by the petitioners 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 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 323 and 341 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-A1 Final Report, and all further proceedings in C.C.No.648/2023 of the Judicial First Class Magistrate Court-I, North Paravur, are hereby quashed.

Sd/-

**C. JAYACHANDRAN
JUDGE**

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APPENDIX OF CRL.MC 7945/2024

PETITIONER ANNEXURES

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| Annexure 1 | CERTIFIED COPY OF FINAL REPORT IN
C.C.648/2023 ON THE FILE OF THE
JUDICIAL FIRST CLASS MAGISTRATE COURT
NO.: I, NORTH PARAVUR |
| Annexure A2 | THE CERTIFIED COPY OF F.I.R. IN CRIME
NO 96/2023 OF VADAKKEKARA POLICE
STATION |
| Annexure A3 | TRUE COPY OF F.I.R IN CRIME NO.
98/2023 OF VADAKKEKARA POLICE STATION |
| Annexure A4 | CERTIFIED COPY OF MEDIATION AGREEMENT
SIGNED BY THE PARTIES SETTLING ALL THE
CASES NAMELY O.P. 953/2023, O.P.
1411/2023, O.P. 1586/2023 AND M.C.
12/2024 ON THE FILE OF FAMILY COURT,
N. PARAVUR |