

**IN THE HIGH COURT OF KERALA AT ERNAKULAM****PRESENT****THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH****THURSDAY, THE 4<sup>TH</sup> DAY OF AUGUST 2022 / 13TH SRAVANA, 1944****CRL.MC NO. 4833 OF 2022****CRIME NO.9/2021 OF CYBER CRIME POLICE STATION, THRISSUR,  
Thrissur****PETITIONERS/ACCUSED:**

- 1 ADITHYA, AGED 21 YEARS  
S/O MANOHARAN, VRINDAVANAM,  
PERINGALA, CHENGANNUR, MULAKKUZHA VILLAGE,  
ALAPPUZHA, , PIN - 689505
- 2 ABHAY VASUDEV, AGED 21 YEARS  
S/O KANAKARAJ, A17, AMRITAPURI, NILOTHI  
RANHOLA ROAD, NANGLOI, DELHI.  
NOW RESIDING AT 107 A, HIGHLIGHT METROMAX  
APARTMENT, NELLIKKODE, KOZHIKKODE  
PIN - 673016
- 3 ANANDA KRISHNAN M, AGED 25 YEARS  
S/O MANOJ M PILLAI, 934, GROUP - 3 POCKET - C,  
JANTA FLATS, HASTAL, UTTAM NAGAR DWARKA  
WEST DELHI, DELHI, PIN - 110059
- 4 JINESH ANAND, AGED 25 YEARS  
S/O JAYANANDAN KP,  
M311, 2ND FLOOR, RAGUBIR NAGAR, TAGORE GARDEN WEST,  
NOW DDA FLATS, D1C, TAGORE GARDEN, EXTN,  
DELHI WEST, DELHI, PIN - 110027
- 5 HARI PRASAD, AGED 23 YEARS  
S/O PRASAD M R, 306, DELHI POLICE STAFF QUARTERS,  
HARI NAGAR POLICE STATION SOUTH WEST DELHI,  
HARI NAGAR, DELHI , PIN - 110064
- 6 GOKUL P A, AGED 25 YEARS  
S/O ASHAKUMAR S, PURATHAMKUZHI, VETTACKAL P.O.,  
KADAKKARAPPALLY, CHERTHALA, ALAPPUZHA  
NOW RESIDING AT M 43, GALI NO - 3, GHANTA GHAR,  
HARI NAGAR, WEST DELHI, DELHI  
PIN - 110027
- 7 SAHIL, AGED 21 YEARS  
S/O SABU, TAGORE GARDEN,  
WEST DELHI  
PIN - 110027

- 8 AKASH PRASAD, AGED 28 YEARS  
S/O K S PRASAD,  
HASTAL, UTTAM NAGAR, 239, JANTA FLATS,  
GROUP, WEST DELHI, DELHI, , PIN - 110059
- 9 ASHWIN SHAJU, AGED 21 YEARS  
S/O SHAJU. K K, JC 4D,  
LIG FLATS, HARI ENCLAVE HARI NAGAR, SOUTH WEST  
DELHI, DELHI, , PIN - 110064
- 10 ABHISHEK RAMA, AGED 21 YEARS  
S/O RAMACHANDRAN,  
B - 4, VISHVAS PARK, EXT. GALI NO. 6, RAJAPURI,  
UTTAMNAGAR, WEST DELHI, DELHI, PIN - 110059
- 11 ASWIN BHASKER, AGED 23 YEARS  
S/O E BHASKARAN,  
406 GROUP POCKET C, DDA FLATS, HASTAL,  
WEST DELHI, PIN - 110059
- 12 SHINTO SHAJI, AGED 21 YEARS  
S/O SHAJI,  
715, DDA LIG FLAT, HASTAL, UTTAMNAGAR,  
WEST DELHI, DELHI , PIN - 110059  
BY ADVS.  
BASIL CHANDY VAVACHAN  
CHARUTHA BHAIJU  
BASIL SCARIA  
CHANDHANA BHAIJU

**RESPONDENT/S:**

- 1 STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF  
KERALA, PIN - 682031
- 2 SUJINI PRADEEP, AGED 44 YEARS  
W/O PRADEEP, KARUVAN VEEDU, KOZHUKKULLI DESHOM,  
MULAYAM VILLAGE, THRISSUR, PIN - 680751  
BY ADVS.  
R1 BY SMT.T.V.NEEMA-SR.PUBLIC PROSECUTOR  
R2 BY SRI.GEORGIE SIMON  
FATHIMA SHALU S.(K/2636/2021)

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON  
04.08.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

## O R D E R

This Crl.M.C. has been preferred to quash Annexure 1 FIR in Crime No.9/2021 of Cyber Crime Police Station, Thrissur on the ground of settlement between the parties.

2. Altogether, there are 16 accused. The petitioners are the accused Nos.1,2,5,7,8,9,10,11,13,14,15 and 16. The 2<sup>nd</sup> respondent is the de facto complainant.

3. The offences alleged against the accused are punishable under Section 420 of IPC and Section 66D of the Information Technology Act, 2008.

4. The respondent No.2 entered appearance through counsel. An Affidavit sworn in by her is produced as Annexure 2.

5. I have heard Sri.Basil Chandy Vavachan, the learned counsel for the petitioners, Sri.Georgie Simon, the learned counsel for respondent No.2 and Smt.T.V.Neema, the learned Senior Public Prosecutor for the respondent No.1.

6. The averments in the petition as well as the affidavit

sworn in by the 2<sup>nd</sup> respondent would show that the entire dispute between the accused Nos.1,2,5,7,8,9,10,11,13,14,15 and 16 with the de facto complainant has been amicably settled and the de facto complainant has decided not to proceed with the crime against the accused Nos.1,2,5,7,8,9,10,11,13,14,15 and 16 further. The learned Public Prosecutor, on instruction, submits that the matter was inquired into through the investigating officer, and a statement of the de facto complainant was also recorded wherein she reported that the dispute with the above mentioned accused was amicably settled.

7. The Apex Court in *Gian Singh v. State of Punjab* [2012 (4) KLT 108 (SC)], *Narinder Singh and Others v. State of Punjab and Others* [(2014) 6 SCC 466] and *State of Madhya Pradesh v. Laxmi Narayan and Others* [(2019) 5 SCC 688] has held that the High Court invoking S.482 of Cr.P.C can quash criminal proceedings in relation to non-compoundable offence where the parties have settled the matter between themselves notwithstanding the bar under S.320 of Cr.P.C. if it is warranted in the given facts

and circumstances of the case or to ensure ends of justice or to prevent abuse of process of any Court.

8. It is true that the settlement was arrived at between the respondent No.2 and the accused Nos.1,2,5,7,8,9,10,11,13,14,15 and 16 alone who are the petitioners. Hence, the question is whether the FIR/Final Report against some of the accused alone could be quashed on the ground of settlement invoking S.482 of Cr.P.C. The Apex Court in *Lovely Salhotra and Another v. State NCT of Delhi and Another* [(2018) 12 SCC 391] quashed the proceedings against one of the accused alone, invoking S.482 of Cr.P.C. That was a case where the High Court refused to quash the proceeding holding that the FIR cannot be quashed in part. True, in the said case, the Apex Court had taken into account the facts of the case that no cognizable offence was made out. The Apex Court, on facts, also found that no offence was made out against the appellant/accused therein. However, the principle that could be deduced from the dictum laid down in the said decision is that it is not impermissible to quash the FIR *qua* some of the accused alone,

depending on the facts and circumstances of each case. This Court in *Sajeev & Another v. State of Kerala and another* (2022 (3) KHC 69) has held that it is permissible to quash the proceedings against some of the accused alone on the ground of settlement depending on the facts and circumstances of each case.

9. The learned counsel for the respondent No.2 submitted that as the dispute between the petitioners and the respondent No.2 is amicably settled and that the respondent No.2 has no objection whatsoever if the final report is quashed only against the petitioners. The dispute in the above case is purely personal in nature. No public interest or harmony will be adversely affected by quashing the proceedings pursuant to Annexure-I as against the petitioners. The offences in question do not fall within the category of offences prohibited for compounding in terms of the pronouncement of the Apex Court in *Gian Singh* (supra), *Narinder Singh* (supra) and *Laxmi Narayan* (supra).

For the reasons stated above, I am of the view that no purpose will be served in proceeding with the matter further.

Accordingly, the CrI.M.C. is allowed. All further proceedings in Crime No.9/2021 of Cyber Crime Police Station, Thrissur as against the petitioners/accused Nos.1,2,5,7,8,9,10,11,13,14,15 and 16 alone stand hereby quashed.

Sd/-

**DR. KAUSER EDAPPAGATH  
JUDGE**

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**APPENDIX OF CRL.MC 4833/2022**

PETITIONER ANNEXURES

Annexure-1	THE TRUE COPY OF FIR IN CRIME NO.9/21 OF CYBER CRIME POLICE STATION, THRISSUR
Annexure2	THE ORIGINAL OF NOTARISED AFFIDAVIT OF THE 2ND RESPONDENT

RESPONDENTS ANNEXURES: NIL