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THIS STORY IS FROM APRIL 29, 2021

Criminal cases can be settled even after conviction: Kerala HC

Mahir Haneef
(<https://timesofindia.indiatimes.com/Toireporter/Author-Mahir-Haneef-479221156.Cms>) / TNN / Updated: Apr 29, 2021, 21:03 IST


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Kerala HC


KOCHI: Criminal cases in which a trial court has given out a conviction can be still quashed by the high court (<https://timesofindia.indiatimes.com/topic/high-court>) if the parties have reached a settlement, the Kerala (<https://timesofindia.indiatimes.com/india/kerala>) high court has held.


The ruling was given by justice Kauser Edappagath after considering an appeal (Crl. A. No. 1587/2006) filed by Soban of Moothakunnam in Ernakulam through advocate CP Udayabhanu.

An appeal filed by the petitioner challenging his conviction for the offence of causing grievous hurt by dangerous weapons or means was pending at the high court.

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The petitioner then filed a plea, under section 482 of CrPC, seeking to quash the case citing settlement with the complainant.

Section 482 gives the high court the power issue orders to prevent abuse of the process of court or to secure ends of justice.

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In the judgment, the court held, "The inherent power u/s 482 for quashing criminal proceedings being of a wide magnitude for being exercised with the object of securing the ends of justice, there cannot be limitation on such powers for being exercised only prior to conviction of an accused. Merely because the order of conviction was pending adjudication at the appellate or revisional stage, the same could not be a ground for refusing to exercise powers u/s 482 of Cr.P.C. to quash the criminal proceedings especially when the parties to the

dispute had arrived at a settlement. Hence, I hold that if requirements of S.482 of Cr.P.C were satisfied in the sense that it was necessary to prevent abuse of the process of any Court or to secure the ends of justice, the criminal proceedings involving non-compoundable offence could be quashed notwithstanding the fact that the order of conviction was already passed against the accused provided offence in question does not fall in the category of offences prohibited for compounding in terms of the pronouncement of the Apex Court (<https://timesofindia.indiatimes.com/topic/apex-court>) in Gian Singh (supra), Narinder Singh (<https://timesofindia.indiatimes.com/topic/narinder-singh>) (supra) and Laxmi Narayan (<https://timesofindia.indiatimes.com/topic/laxmi-narayan>) (supra)."

The Supreme Court (<https://timesofindia.indiatimes.com/topic/supreme-court-of-india>) decisions referred by the court were Gian Singh Vs. State of Punjab (<https://timesofindia.indiatimes.com/india/punjab>) of 2012, Narinder Singh and Others Vs. State of Punjab and Others of 2014, and State of Madhya Pradesh Vs. Laxmi Narayan and Others of 2019. Through these decisions, the apex court had held that criminal cases can be quashed by the high court prior to conviction if the parties arrive at a settlement and the cases do not involve any serious or heinous offences