

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 10TH DAY OF FEBRUARY 2015/21ST MAGHA, 1936

Crl.MC.No. 155 of 2015 ()

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CRMC 1757/2014 of SESSIONS COURT,MANJERI
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PETITIONER:

**BASHEER, S/O.ABOOBACKER, POTTAYIL HOUSE, EDAPPATTA AMSOM
DESM, PERINTHALMANNA TALUK, MALAPPURAM (DT.)**

**BY ADVS.SRI.SURAJ.S
SRI.M.REVIKRISHNAN**

RESPONDENTS:

**1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, COCHIN - 682 011.**

**2. ABDUL LATHEEF
MANNIKUNNUN HOUSE, KEEZHATTUR AMSOM DESOM
PERINTHALMANNA TALUK, MALAPPURAM (DT)-676 505.**

**R2 BY ADV. SRI.L.RAM MOHAN
R1 BY PUBLIC PROSECUTOR SMT. P.MAYA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 10-02-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

ANNEXURE-A: COPY OF THE FIR IN CRIME NO.684/2014 OF THE MELATTUR POLICE STATION.

ANNEXURE-B: A COPY OF THE ORDER DATED 11.12.2014 IN CRL.M.C. NO.1757 OF 2014 OF THE SESSIONS COURT, MANJERI.

ANNEXURE-C: A COPY OF AFFIDAVIT FILED BY THE 2ND RESPONDENT

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.155 of 2015

Dated this the 10th day of February, 2015

JUDGMENT

The petitioner seeks orders quashing the F.I.R in Crime No.684/2014 of the Melattur Police Station, registered under Section 420 IPC and Section 3 read with 17 of the Kerala Money Lenders Act, 1958 on the complaint of one Abdul Latheef. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the de facto complainant out of court. The de facto complainant, Abdul Latheef is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. He has filed affidavit to the effect that he has settled the whole dispute with the accused and he has no grievance or complaint.

2. In so many decisions, the Hon'ble Supreme Court has held that even in cases involving non-compoundable offences, the High Court can quash the prosecution; be it at the crime stage or at the trial stage or even at the appellate or revision stage; if the parties have really settled the whole dispute, or if continuance of

prosecution will not serve any purpose. Here, I find a real case of settlement between the parties, and I also find that continuance of prosecution in such a situation will not serve any purpose other than wasting the precious time of the court, when the case ultimately comes before the court.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.684/2014 of the Melattur Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

P. UBAID, JUDGE

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