

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 16TH DAY OF JANUARY 2015/26TH POUSHA, 1936

Crl.MC.No. 291 of 2015 ()

CC 1157/2013 of JUDICIAL FIRST CLASS MAGISTRATE -II,HOSDRUG

PETITIONERS/ACCUSED :

1. MANIKANDAN K., AGED 33 YEARS,
S/O., KUNHIKANNAN, MOTTAMMAL HOUSE,
CHATHANKAI, KALANAD VILLAGE, KASARGOD DISTRICT
2. MANU @ MANOJ C., AGED 27 YEARS,
S/O. CHATHU NAIR, NERAPPANADI HOUSE,
EDUVUNGAL, KALANADU VILLAGE, KASARGOD DISTRICT
3. CHANDRAN K., AGED 36 YEARS,
S/O., SUGUNAN, THEKKEVEEDU,
KALANAD, KALANAD VILLAGE, KASARGOD DISTRICT
4. RANJITH K., AGED 26 YEARS
S/O., KUNHIRAMAN, CHATHANKAI
CHANDRAGIRI P.O., KALANAD VIALLAG, KASARGOD DISTRICT

BY ADV. SRI.A.ARUNKUMAR

RESPONDENTS/COMPLAINANT/STATE :

1. ABDUL FAYIS C.A., AGED 25 YEARS,
S/O ASHRAF, FAYIS MANZIL, KATTAKAL,
MELPARAMBA, KALANAD VIALLAG, KASARGOD DISTRICT
2. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031

R1 BY ADV. SRI.V.MADHUSUDHANAN
R2 BY PUBLIC PROSECUTOR SMT. P.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 16-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

Crl.MC.No. 291 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1: CERTIFIED COPY OF THE F.I.R. IN CRIME NO.71 OF 2013 OF
BEKAL POLICE STATION,KASARGOD DISTRICT.**

**ANNEXURE AII: CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.71 OF
2013 OF BEKAL POLICE STATION, KASARGOD DISTRICT**

**ANNEXURE AIII: A TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE 1ST
RESPONDENT ENDORSING THE FACTUM OF SETTLEMENT.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

P.UBAID, J.

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Crl.M.C.No.291 of 2015
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Dated this the 18th day of January, 2016

ORDER

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.553 of 2015 of Perinthalmanna Police Station, registered under Section 420 of the Indian Penal Code on the complaint of one Kadeeja. 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 is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. She has filed affidavit to the effect that she has settled the whole dispute with the accused, and she 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 the prosecution will not serve any purpose. Here, I find a real case of settlement between the parties, and I also find that continuance of the 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.553 of 2015 of Perinthalmanna Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

**P.UBAID
JUDGE**

rkj

//TRUE COPY//

P.A. TO JUDGE