

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 22ND DAY OF JANUARY 2015/2ND MAGHA, 1936

Crl.MC.No. 447 of 2015 ()

CRIME NO. 1246/2014 OF TIRUR POLICE STATION , MALAPPURAM

PETITIONER(S)/ACCUSED 1 TO 6 IN CRIME NO.1246/2014 OF TIRUR POLICE STATION.:

- 1. MUHAMMED BASHEER AGED 42 YEARS
MENOTTIL HOUSE, KATTACHIRA, THEKKAN KUTTUR
MALAPPURAM. 676 102.**
- 2. MUHAMMED FASIL AGED 27 YEARS
PARUTHIKKUNNEN HOUSE, ATHRISSERI, PONMUNDAM.P.O.
MALAPPURAM-676 106.**
- 3. BAVA AGED 51 YEARS
PAINGOTTIL HOUSE, PAYYANANGADI, KANJIRAKUNDU
MALAPPURAM-676 101.**
- 4. ABDUL NASSER AGED 39 YEARS
ATHIYATHIL KARATTIL HOUSE, KOTTU, TIRUR
MALAPPURAM-676 101.**
- 5. FAISAL AGED 36 YEARS
KARI HOUSE, TRIKKANDIYUR THEKKUMURI
MALAPPURAM-676 104.**
- 6. ABDUL HAMEED AGED 32 YEARS
KUTTIPPULAKKAL HOUSE, TIRUR, MALAPPURAM-676 101.**

**BY ADVS.SRI.NIRMAL V NAIR
SRI.ANEESH JOSEPH
SRI.RILGIN V.GEORGE**

RESPONDENT(S)/DE-FACTO COMPLAINANT AND STATE:

- 1. ABDUL SALEEM, AGED 33 YEARS
S/O.SHAMSUDEEN, PULLATH HOUSE
TRIPRANGODE AMSOM AND DESOM, TRIPRANGODE.P.O.
TIRUR TALUK, MALAPPURAM-676 108.**
- 2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

**R1 BY ADV. SRI.LIJO VARGHESE
R2 BY SMT. P. MAYA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
22-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 447 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1- A TRUE COPY OF THE FIR IN CRIME NO.1246/2014 OF THE TIRUR
POLICE STATION.**

ANNEXURE A2- A TRUE COPY OF THE AFFIDAVIT SWORN BY THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

**PA TO JUDGE
sab**

P.UBAID, J.

Crl. M.C No. 447 of 2015

Dated this the 22nd day of January, 2015.

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No. 1246/2014 of the Tirur Police Station, registered under Sections 420 r/w 34 IPC, on the complaint of one Abdul Saleem. 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 Saleem is the 1st 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

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. 1246/2014 of the Tirur Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

P.UBAID,
JUDGE

sab