

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

Cr1.MC.No. 465 of 2015

CRIME NO. 930/2014 OF KOYILANDY POLICE STATION, KOZHIKODE

PETITIONERS/ACCUSED:

1. JASEER.K, AGED 30 YEARS,
S/O UMMER, CHERIYAPURAYIL HOUSE, CHEMANCHERY P.O,
KOYILANDY, KOZHIKODE DISTRICT
2. SHIMITHLAL K., AGED 23 YEARS,
S/O VELAYUDHAN, KALATHIL HOUSE,
ELATHUR P.O. KOZHIKODE DISTRICT.
3. NIKHIL V.T., AGED 25 YEARS,
S/O SURESH BABU, VAYAPURATH THAZHAM, ELATHUR P.O,
KOZHIKODE DISTRICT
4. SHYAMJITH, AGED 27 YEARS,
S/O APPUTTY, THATTAMTHODUKAYIL, ELATHUR P.O,
KOZHIKODE DISTRICT

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENTS/COMPLAINANT & STATE:

1. SREEJITH V.K., AGED 30 YEARS,
S/O KUNHIRAMAN, SANTHIPURATH KUNIYIL HOUSE,
IRINGATH P.O., PAYYOLI,
KOZHIKODE DISTRICT-673523
2. STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM KOCHI-682031

R1 BY ADV. SRI.P.V.ANOOP

R2 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 23-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 465 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A: COPY OF THE F.I.R. DATED 12.11.2014 IN CRIME
NO.930/2014 OF KOYILANDY POLICE STATION, KOZHIKODE

ANNEXURE A(1): COPY OF THE ORDER DATED 11.12.2014 IN CRL.M.C.
NO.2403/14 ON THE FILE OF THE SESSIONS COURT, KOZHIKODE.

ANNEXURE B: COPY OF THE AGREEMENT EXECUTED BY THE PETITIONERS AND
1ST RESPONDENT DATED 8.12.2014

ANNEXURE C: THE AFFIDAVIT FILED BY THE FIRST RESPONDENT
DT.12.1.2015

ANNEXURE D: COPY OF THE CASH RECEIPT DATED 8.12.2014 ISSUED BY
THE KERALA STATE ROAD TRANSPORT CORPORATION.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.465 of 2015

Dated this the 23rd day of January, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.930/2014 of Koyilandy Police Station, registered under Sections 341, 323, 322, 427 and 294(b) r/w 34 of the Indian Penal Code on the complaint of one Sreejith. 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 Sreejith 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

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.930/2014 of Koyilandy Police Station, will stand quashed under Section 482 of the Code of Criminal Procedure.

**P.UBAID
JUDGE**

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