

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. 484 of 2015

CRIME NO. 1955/2014 OF NEDUMBASSERY POLICE STATION, ERNAKULAM

PETITIONERS/ACCUSED 1 TO 5:

1. BINU C.JOY, AGED 32 YEARS,
S/O.JOY, CHETTAKULATHINKARA HOUSE, KODANAD,
ERNAKULAM DISTRICT.
2. DAVICE K.OUSEPH, AGED 20 YEARS,
S/O.OUSEPH, KIZHAKKEKUDY HOUSE, WEST MORAKKALA,
KUMARAPPURAM, ERNAKULAM DISTRICT.
3. ANOOP VARGHESE, AGED 21 YEARS,
S/O.VARTHESE, AREECKAL HOUSE, MAIKKAD,
AKAPARAMBU, ERNAKULAM DISTRICT.
4. NIGO THOMAS, AGED 25 YEARS,
S/O.THOMAS, KAIPARAMBADAN HOUSE, VAPPALASSERY,
MAIKAVU, ERNAKULAM DISTRICT.
5. ABIN JAMES, AGED 25 YEARS,
S/O.JAMES, PYNADATH HOUSE, MAIKKAD,
AKAPARAMBU, ERNAKULAM DISTRICT.

BY ADVS.SRI.C.D.JOHN

SMT.MEREENA JOSEPH

RESPONDENTS/STATE & DE-FACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031
ON BEHALF OF SUB-INSPECTOR OF POLICE
NEDUMBASSERY POLICE STATION.
2. THARUSH SELVARAJ,
S/O.SELVARAJ, KONNANCHERRY HOUSE, AYAKKADU
VADAKKUMCHERRY ALATHOOR, VADAKKANCHERRY, PALAKKAD
KERALA, INDIA.

R2 BY ADV. SRI.LIFFY P. FRANCIS

R1 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:

Cr1.MC.No. 484 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A1: CERTIFIED COPY OF THE F.I.R. IN CRIME NO. 1955/2014
NEDUMBASSERY AIRPORT POLICE STATION.

ANNEXURE A2: AFFIDAVIT SWORN BY THE 2ND RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.484 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.1955/2014 of Nedumbassery Airport Police Station, registered under Sections 143, 147, 148, 149, 323, 427 and 452 of the Indian Penal Code on the complaint of one Tharush Selvaraj. 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 Tharush Selvaraj 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.1955/2014 of the Nedumbassery Airport Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

**P.UBAID
JUDGE**

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