

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

CrI.MC.No. 522 of 2015

CRIME NO. 664/2014 OF AREACODE POLICE STATION, MALAPPURAM
.....

PETITIONER(S)/ACCUSED:

**M.P.MUHAMMED, AGED 61 YEARS,
S/O.MARAKKARKUTTY, MOOTHEDATH PARAKKAL HOUSE,
MYTHARA P.O., MALAPPURAM DT.**

**BY ADVS.SRI.T.K.AJITH KUMAR
SRI.P.VINODKUMAR
SMT.M.A.JINSA MOL**

RESPONDENT(S)/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY S.I OF POLICE, AREAKKODE,
MALAPPURAM DISTRICT BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SANIL KUMAR,
S/O.BHASKARAN NAIR, RADHAKRISHNA MANDHIRAM,
KAVUMBHAGAM P.O., KOTTAYAM DISTRICT - 670 110.**

**R1 BY PUBLIC PROSECUTOR SMT.S.HYMA
R2 BY ADV. SRI.K.T.SIDHIQ**

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

msv/

Crl.MC.No. 522 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A1: TRUE COPY OF THE FIR & COMPLAINANT IN CRIME 664/2014 OF
AREAKKODE POLICE STATION.**

**ANNEXURE A2: AGREEMENT DATED 6/1/2015 EXECUTED BETWEEN THE PETITIONER
AND THE 2ND RESPONDENT.**

ANNEXURE A3: AFFIDAVIT DATED 6/1/2015 EXECUTED BY THE 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P. UBAID, J.

Crl.M.C.No.522 of 2015

Dated this the 2nd day of February, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.664/2014 of the Areakkode Police Station of Malappuram District, registered under Sections 420 IPC, on the complaint of one Sanil Kumar. 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 Sanil Kumar 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.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.664/2014 of the Areakkode Police Station of Malappuram District, will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P. UBAID, JUDGE

sd