

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

Crl.MC.No. 572 of 2015 ()

CRIME NO. 11/2015 OF PEROORKADA POLICE STATION , THIRUVANANTHAPURAM

PETITIONERS/ACCUSED 1 & 2:

UNNI, AGED 32 YEARS,
S/O.RAMASWAMI, USHA BHAVAN,
THAATHARIKATHU VEEDU, ADAPPUKOOTTAN PARA,
THIRUVANANTHAPURAM.

BY ADVS.SRI.SUMAN CHAKRAVARTHY
SMT.K.R.RIJA

RESPONDENTS/STATE & DE FACTO COMPLAINANT:

1. STATE OF KERALA, REP. BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA – 682 031.
2. HARI, S/O.MANIYAN, AGED 38 YEARS,
ASWATHI HOUSE,
AKG NAGAR,
KUDAPANAKKUNNU, PERRORKADA,
THIRUVANANTHAPURAM- 695 001.

R2 BY ADV. SMT.BREJITHA UNNIKRISHNAN
R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
29-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 572 of 2015

APPENDIX

PETITIONERS EXHIBITS:

ANNEXURE-A: A CERTIFIED COPY OF THE FIR IN CRIME NO.11/15 OF
PERRORKADA PS

ANNEXURE B: ORIGINAL OF THE AFFIDAVIT DATED 24/1/2015

ANNEXURE-C: PHOTOCOPY OF THE ELECTORAL ID OF THE 2ND
RESPONDENT

RESPONDENTS EXHIBITS:

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No. 572 of 2015**  
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Dated this the 29th January, 2015

ORDER

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.11 of 2015 of Perrorkada Police Station, registered under Sections 294 (b), 323 and 506 (1) of Indian Penal Code on the complaint of one Hari. 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. 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.11 of 15 of Perrorkada Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

**Sd/-
P.UBAID
JUDGE**

ma

/True copy/

P.S to Judge