

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

CrI.MC.No. 575 of 2015 ()

CRIME NO. 820/2014 OF PATTAMBI POLICE STATION , PALAKKAD

PETITIONER(S):

1. FAIZAL, AGED 29 YEARS,
S/O.YUSUF, CHUNGONATH HOUSE,
PATHUPPADI, KARAKKAD, PATTAMBI,
PALAKKAD DT. 679 313.
2. MOOSA, AGED 26 YEARS,
S/O.YUSUF, CHUNGONATH HOUSE,
PATHUPPADI, KARAKKAD, PATTAMBI,
PALAKKAD DT. 679 313.
3. ANWAR, AGED 24 YEARS,
S/O.YUSUF, CHUNGONATH HOUSE,
PATHUPPADI, KARAKKAD, PATTAMBI,
PALAKKAD DT. 679 313.
4. YUSUF, AGED 65 YEARS,
S/O.MUHAMMED, CHUNGONATH HOUSE,
PATHUPPADI, KARAKKAD, PATTAMBI 679 313.
5. MUTHU @ MUSTHAFA, AGED 35 YEARS,
S/O.YUSUF, CHUNGONATH HOUSE,
PATHUPPADI,KARAKKAD, PATTAMBI – 679 313

BY ADV. SRI.T.PRASAD

RESPONDENTS/COMPLAINANT:

1. STATE OF KERALA REPRESENTED BY THE
SUB INSPECTOR OF POLICE, PATTAMBI POLICE STATION,
PALAKKAD DISTRICT THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. SAVAD, AGED 27 YEARS,
S/O.HAMZA KIZHAKKETHIL HOUSE,
KARAKKAD, PATTAMBI,
PALAKKAD DT. 679 313.
3. ABU ABUTHAHIR, AGED 30 YEARS,
S/O.HAMZA, KIZHAKKETHIL HOUSE,
KARAKKAD, PATTAMBI,
PALAKKAD – 679 313.
4. VAPPUTTY HAMZA, AGED 58 YEARS,
S/O.HAMZA, KIZHAKKETHIL HOUSE,
KARAKKAD, PATTAMBI,
PALAKKAD 679 313.

R2-4 BY ADV. SRI.A.HAROON RASHEED
R1 BY PUBLIC PROSECUTOR SMT.P.MAYA

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

APPENDIX

PETITIONER'S EXHIBITS:

ANNEXURE A1: TRUE COPY OF THE F.I.R. AND F.I.S IN CRIME NO.820/2014 OF
PATTAMBI POLICE STATION

ANNEXURE A2: THE ORIGINAL COPY OF THE AFFIDAVIT REGARDING SETTLEMENT
SIGNED BY THE 2ND RESPONDENT

ANNEXURE A3: THE ORIGINAL COPY OF THE AFFIDAVIT REGARDING SETTLEMENT
SIGNED BY THE 3RD RESPONDENT

ANNEXURE A4: THE ORIGINAL COPY OF THE AFFIDAVIT REGARDING SETTLEMENT
SIGNED BY THE 3RD RESPONDENT

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
~~~~~  
**Crl.M.C No. 575 of 2015**  
~~~~~  
Dated this the 29th January, 2015

ORDER

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.820 of 2014 of Pattambi Police Station, registered under Sections 143, 147, 148, 341, 323 and 506 (ii) of Indian Penal Code on the complaint of one Savad. 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. The other injured persons who sustained injuries in the alleged incident are the respondents 3 and 4 in this proceeding. They have also filed affidavit to the effect that they have settled the dispute with the accused and they have no grievance or complaint now.

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.820 of 2014 of Pattambi 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