

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. 581 of 2015 ()

CRIME NO. 806/2014 OF PATTAMBI POLICE STATION , PALAKKAD

PETITIONER(S)/ACCUSED NO.1 TO 5:

1. SAVAD AGED 27 YEARS
S/O.HAMZA, KIZHAKETHIL HOUSE, KARAKKAD
PATTAMBI, PALAKKAD DISTRICT-679 313.
2. ABU @ ABUTHAHIR, AGED 30 YEARS,
S/O.HAMZA, KIZHAKKETHIL HOUSE, KARAKKAD
PATTAMBI, PALAKKAD-679 313.
3. VAPPUTTY @ HAMZA AGED 58 YEARS
S/O.HAMZA, KIZHAKKETHIL HOUSE, KARAKKAD
PATTAMBI, PALAKKAD-679 313
4. UMMER AGED 42 YEARS
S/O.YOUSUF, KIZHAKKETHIL HOUSE, KARAKKAD
PATTAMBI, PALAKKAD-679 313
5. RASHEED AGED 36 YEARS
S/O.YOUSUF, KIZHAKKETHIL HOUSE, KARAKKAD
PATTAMBI, PALAKKAD-679 313.

BY ADV. SRI.A.HAROON RASHEED

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE
PATTAMBI POLICE STATION, PALAKKAD DISTRICT
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.
2. MOOSA, AGED 26 YEARS
S/O.YUSUF, CHUNKONATH HOUSE, PATHUPPADI
KARAKKAD, PATTAMBI, PALAKKAD DISTRICT-679 313.
3. ANWAR, AGED 24 YEARS
S/O.YUSUF, CHUNKONATH HOUSE, PATHUPPADI
KARAKKAD, PATTAMBI, PALAKKAD DISTRICT-679 313.

R2-3 BY ADV. SRI.T.PRASAD
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:

Crl.MC.No. 581 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE-A1. THE TRUE COPY OF THE FIR AND FIS IN CRIME NO.806/2014 OF
PATTAMBI POLICE STATION.

ANNEXURE-A2. THE ORIGINAL OF THE AFFIDAVIT REGARDING SETTLEMENT
SIGNED BY THE 2ND RESPONDENT

ANNEXURE-A3. THE ORIGINAL OF THE AFFIDAVIT REGARDING SETTLEMENT
SIGNED BY THE 3RD RESPONDENT

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.581 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.806 of 2014 of Pattambi Police Station, registered under Sections 143, 147, 148, 341, 324, 326 read with 149 of Indian Penal Code on the complaint of one Moosa. 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 person, who sustained injuries in the alleged incident is the 3rd respondent in this proceeding. He has also filed affidavit to the effect that he has settled the dispute with the accused, and he has 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.806 of 2014 of Pattambi Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

**Sd/-
P.UBAID
JUDGE**

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/True copy/
P.S to Judge