

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

Crl.MC.No. 593 of 2015 (D)

CRIME NO. 1004/2014 OF OTTAPALAM POLICE STATION , PALAKKAD DISTRICT

PETITIONERS/ACCUSED 1 TO 3:

- 1. MUHAMMADALI, AGED 75 YEARS,
S/O. KUNHAMU, KARUPPEN VEEDU, 19TH MILE,
OTTAPPALAM TALUK, PALAKKAD DISTRICT.**
- 2. NOUFAL, AGED 38 YEARS,
S/O. MUHAMMADALI, KARUPPAN VEEDU, 19TH MILE,
OTTAPPALAM TALUK, PALAKKAD DISTRICT.**
- 3. NAMEESH, AGED 28 YEARS,
S/O. MUHAMMADALI, KARUPPAN VEEDU, 19TH MILE,
OTTAPPALAM TALUK, PALAKKAD DISTRICT.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY**

RESPONDENTS/STATE/DEFACTO COMPLAINANT/VICTIMS :

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM-682 031.
(CRIME NO.1004/2014 OF OTTAPPALAM POLICE STATION,
PALAKKAD DISTRICT).**
- 2. JAYARAM , AGED 48 YEARS,
S/O. LATE A.P.NAIR, PILLATH HOUSE,
POST MUNDAKKOTTUKURISSI, OTTAPPALAM TALUK,
PALAKKAD DISTRICT-679 101.**
- 3. RAMANKUTTY NAIR , AGED 77 YEARS,
S/O. LATE KESAVA PANICKER, KARATHUDI, POST OTTAPPALAM,
OTTAPPALAM TALUK, PALAKKAD DISTRICT-679 101.**

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**4. SAMUAL PRAMOD K.P., AGED 51 YEARS,
S/O. K.PAUL, SAM VILLA, POST OTTAPPALAM,
OTTAPPALAM TALUK, PALAKKAD DISTRICT-679 101.**

**R2 BY ADV. SRI.K.RAKESH
R3 & 4 BY ADV. SRI.A.HAROON RASHEED
BY PUBLIC PROSECUTOR, SMT. S. HYMA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
02-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONERS' EXHIBITS :

**ANNEXURE I : CERTIFIED COPY OF THE FIR IN CRIME NO.1004/2014 OF OTTAPPALAM
POLICE STATION.**

**ANNEXURE II: COPY OF THE MEMORANDUM OF SETTLEMENT DATED 08.01.2015
ENTERED INTO BETWEEN THE PARTIES.**

**ANNEXURE III: AFFIDAVIT DTD.23.1.2015 SWORN BY THE SECOND BY THE
SECOND RESPONDENT/DEFACTO COMPLAINANT.**

ANNEXURE IV: AFFIDAVIT SWORN BY THE RESPONDENT NO.3 DATED 08.01.2015.

ANNEXURE V: AFFIDAVIT SWORN BY THE RESPONDENT NO.4 DATED 08.01.2015.

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.A. TO JUDGE

DST

P. UBAID, J.

Crl.M.C.No.593 of 2015

Dated this the 2nd day of March, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.1004/2014 of the Ottappalam Police Station, registered under Sections 457 and 427 read with 34 IPC on the complaint of one Jayaram. Orders are sought on the ground of settlement of the dispute by mediation. The victims of offence are the respondent Nos.2 to 4 herein. They have filed affidavit to the effect that they have settled the whole dispute with the accused, and they have no grievance or complaint. Annexure-2 is the copy of the mediation agreement signed by the parties. I am well satisfied that the parties have come to terms amicably out of court.

In so many decisions, the Hon'ble Supreme Court has held that even in cases involving non-compoundable offences, the High Court can quash 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.1008/4/2014 of the Ottappalam Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

P. UBAID, JUDGE

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