

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 5TH DAY OF MAY 2015/15TH VAISAKHA, 1937

Cr1.MC.No. 621 of 2015

CRIME NO. 374/2014 OF UPPUTHARA POLICE STATION, IDUKKI

PETITIONER/ACCUSED:

ABHILASH,
S/O.BABY (LATE), KALAPPURAKKAL HOUSE,
MARYKULAM,
Ayyappankovil P.O., IDUKKI DISTRICT.

BY ADVS.SRI.T.A.UNNIKRISHNAN
SRI.K.S.PRAVEEN

RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. SUMI @ SUNI,
W/O.SAJAN, MARUTHUMOOTIL, NIRAPPELKALA,
Ayyappankovil VILLAGE,
IDUKKI DISTRICT-685507.

R2 BY ADV. SRI.MANSOOR.B.H.
R1 BY PUBLIC PROSECUTOR SRI.K.K.SAIDALAVI

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 621 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE I: COPY OF THE FIRST INFORMATION STATEMENT DATED
30.11.2014

ANNEXURE II: COPY OF THE FIRST INFORMATION REPORT IN CRIME
NO.374/2014 OF UPPUTHARA POLICE STATION.

ANNEXURE III: COPY OF AFFIDAVIT SHOWN BY THE 2ND RESPONDENT.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.621 of 2015

Dated this the 5th day of May, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.374/2014 of the Upputhara Police Station, Idukki registered under Sections 452, 354(A)(1), 354(A)(2) and 354(B) of the Indian Penal Code on the complaint of one Sumi. 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 Sumi 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 revisional stage; if the parties have really settled the whole dispute, or if continuance of the 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.374/2014 of the Upputhara Police Station, Idukki will stand quashed under Section 482 of the Code of Criminal Procedure.

**P.UBAID
JUDGE**

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