

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE P.UBAID**

**WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936**

**Crl.MC.No. 702 of 2015 ()**  
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**IN CP 151/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, PUNALUR  
CRIME NO. 890/2012 OF EAROOR POLICE STATION , KOLLAM**

**PETITIONER(S)/ACCUSED:**  
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**ABDUL MANAF  
S/O.ABDUL KHADER, PLAVILA PUTHEN VEEDU, KANJAVAYAL  
EAROOR MURI, EAROOR VILLAGE, KOLLAM DISTRICT.**

**BY ADVS.SRI.R.SURAJ KUMAR  
SRI.SUNIL J.CHAKKALACKAL**

**RESPONDENT(S)/STATE/DE-FACTO COMPLAINANT:**  
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- 1. THE STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. MUHAMMED ANAS, AGED 34 YEARS  
S/O.BASHEERKUTTY, MULAKUVILA PUTHEN VEEDU  
THUMPIKKUNNU, EDAMULACKAL, KOLLAM DISTRICT.**

**R2 BY ADV. SRI.SAJU J PANICKER  
R1 BY PUBLIC PROSECUTOR SMT. S. HYMA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 04-02-2015,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**Crl.MC.No. 702 of 2015 ()**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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**ANNEXURE-A: CERTIFIED COPY OF THE FIRST INFORMATION REPORT DATED 20.11.2012 IN CRIME NO.890/2012 OF YEROOR POLICE STATION, KOLLAM DISTRICT.**

**ANNEUXRE-B: CERTIFIED COPY OF THE FINAL REPORT DATED 07.01.2013 IN CRIME NO.890/2012 OF YEROOR POLICE STATION, KOLLAM DISTRICT.**

**ANNEUXRE-C: CERTIFIED COPY OF THE WOUND CERTIFICATE DATED 03.12.2012.**

**ANNEXURE-D: NOTARIZED AFFIDAVIT DATED 11.08.2014 SWORN BY THE 2ND RESPONDENT.**

**RESPONDENT(S)' EXHIBITS: NIL**  
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/TRUE COPY/

PATO JUDGE  
sab

**P.UBAID, J.**

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**Crl. M.C No. 702 of 2015**  
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Dated this the 4<sup>th</sup> day of February, 2015.

**O R D E R**

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.890 of 2012 of Earoor Police Station, registered under Sections 341, 323, 506(1), 294(b), 451, 427 r/w Sec.308 of IPC on the complaint of one Muhammed Anas. 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 Muhammed Anas is the 2<sup>nd</sup> 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. 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. On a perusal of the case records I find that Section 308 IPC was in fact incorporated by the police on the basis of a purely hypothetical statement.

In the result, this petition is allowed. The F.I.R and further proceedings in crime No.890/2012 of Earoor Police Station, Kollam will stand quashed under Section 482 of the Code of Criminal Procedure.

P.UBAID,  
JUDGE

sab