

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.709 of 2015

CRIME NO. 32/2015 OF KALPETTA POLICE STATION , WAYANAD

PETITIONERS/ACCUSED :-

1. MINHAJ, AGED 24 YEARS,
S/O.ABDUL SALAM,
PARAMMAL HOUSE,
PANDIKKAD VILLAGE,
POOLAMANA P.O.,
MARUTHAKODE,
MALAPPURAM DISTRICT.
2. MUHAMMED RIYAS P.,
S/O.KUNHIMUHAMMED,
PAMANGADAN HOUSE,
THOTTASSERIYARA P.O.,
KANNAMANGALAM-WEST VIA,
KONDOTTY, MALAPPURAM DISTRICT.
3. ABDUL KAREEM, AGED 56 YEARS,
S/O.MUHAMMED, PULIKUTH HOUSE,
MARIYAD P.O., NARUKARA,
MANJERI, MALAPPURAM DISTRICT

BY ADV. SRI.P.VENUGOPAL

RESPONDENTS/STATE, DEFACTO-COMPLAINANT & INJURED :-

1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM - 682 031.
(REPRESENTING THE SUB INSPECTOR OF POLICE,
KALPETTA)

2. V.P.RADHAKRISHNAN, AGED 40 YEARS,
S/O.SANKARAN, VINAY NIVAS,
NEDUNGODE, MANIYANGODE P.O.,
KALPATTA VILLAGE, VAITHIRI TALUK,
WAYANAD DISTRICT - 673 576.
3. E.K.SURESH BABU, AGED 50 YEARS,
S/O.KRISHNAN, SRUTHILAYAM HOUSE,
NEDUNGODE, MANIYANGODE-P.O.,
KALPATTA VILLAGE, VAITHIRI TALUK,
WAYANAD DISTRICT - 673 576.
4. N.C.RAJAN, AGED 35 YEARS,
S/O.CHATHANKUTTY,
NEDUNGODE, MANIYANGODE-P.O.,
KALPATTA VILLAGE, VAITHIRI TALUK,
WAYANAD DISTRICT - 673 576.

R1 BY PUBLIC PROSECUTOR, SMT.PMAYA
R2 - R4 BY ADV. SMT.T.J.MARIYA GORETTI

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.709 of 2015

APPENDIX

PETITIONER(S)' EXHIBITS :-

**ANNEXURE A : TRUE COPY OF THE STATEMENT GIVEN BY THE
SECOND RESPONDENT TO THE POLICE ON 12/01/2015.**

**ANNEXURE B : TRUE COPY OF THE F.I.R. REGISTERED BY KALPETTA
POLICE IN CRIME NO.32/2015.**

**ANNEXURE C : THE AFFIDAVIT EXECUTED BY THE RESPONDENTS 2 TO 4
DATED 24/01/2015.**

RESPONDENT(S)' EXHIBITS :- NIL

rkj

//TRUE COPY//

P.A.TO JUDGE

P.UBAID, J.

Crl.M.C No. 709 of 2015

Dated this the 4th day of February, 2015

ORDER

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.32 of 2015 of Kalpetta Police Station, registered under Sections 294(b), 323, 325, 341 read with Section 34 of I.P.C. on the complaint of one V.P.Radhakrishnan. 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 V.P.Radhakrishnan 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 persons who sustained injuries in the alleged incident are the respondents 3 and 4. 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.

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 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.32 of 2015 of Kalpetta Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

rkj

Sd/-
P.UBAID
JUDGE

//TRUE COPY//

P.A. TO JUDGE