

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

Cr1.MC.No. 749 of 2015

CRIME NO. 94/2013 OF PERUMBAVOOR POLICE STATION, ERNAKULAM

PETITIONER:

PADMINI, AGED 54 YEARS
D/O.SANKARAPILLAI, KARAVATTU VEEDU,
ALAPPARA,
PERUMBAVOOR.

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

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM
PIN-682031 (CRIME NO.94/2013 OF PERUMBAVOOR
POLICE STATION,
ERNAKULAM RURAL)

2. MANOJ KUMAR, AGED 36 YEARS,
S/O.NEELAKANDAN NAIR, KARAVATTU VEEDU,
ALAPPARA
VENGOLA VILLAGE, PERUMBAVOOR,
ERNAKULAM DISTRICT.

R2 BY ADV. SRI.V.SETHUNATH
R1 BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 06-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 749 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE 1: CERTIFIED COPY OF THE FIR IN CRIME NO.94/2013 OF
PERUMBAVOOR POLICE STATION

ANNEXURE 2: COPY OF THE POWER OF ATTORNEY

ANNEXURE 3: AFFIDAVIT SWORN BY THE SECOND RESPONDENT DATED
16.01.2015

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.749 of 2015

Dated this the 6th day of February, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.94/2013 of Perumbavoor Police Station, registered under Sections 427 and 447 of the Indian Penal Code on the complaint of one Manoj Kumar. 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 Manoj Kumar 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 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 the 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.94/2013 of Perumbavoor Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

**P.UBAID
JUDGE**

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