

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

Cr1.MC.No. 799 of 2015

IN C.M.P 6595/2014 of J.M.F.C., MATTANNUR

CRIME NO. 1027/2014 OF MATTANNUR POLICE STATION, KANNUR

PETITIONER/ACCUSED:

ABDUL LATHEEF C.V, AGED 40 YEARS,
S/O.UMMER, C.V HOUSE,
UTHIYOOR P.O,
MATTANNUR, KALLUR AMSOM,
UTHIYOOR DESOM,
PIN - 670 702.

BY ADVS.SRI.C.KHALID

SRI.N.A.JOSEPH
SRI.K.P.MOHAMED SHAFI
SMT.K.S.HASEENA
SRI.PHIJO PRADEESH PHILIP
SRI.K.REEHA KHADER
SMT.K.K.NESNA

RESPONDENT/COMPLAINANT AND STATE:

1. BHUSHARA K.K, AGED 32 YEARS,
D/O.KHALID,
KARUPPAN VEEDU (K.K HOUSE),
CHAKKAD, VILAKKODE - 670 001.
(WITHIN THE JURISDICTION OF IRITTY POLICE STATION)
2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
COCHIN - 682 031.

R1 BY ADV. SRI.P.K.SUBHASH

R2 BY PUBLIC PROSECUTOR SMT.V.H.JASMINE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 799 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE 1: COPY OF THE COMPLAINT C.M.P NO.6595/2014 FILED BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE, MATTANNUR DTD.15.10.2014.

ANNEXURE 2: COPY OF THE FIR IN CRIME NO.1027/2014 DATED 20.10.2014 REGISTERED BY MATTANNUR POLICE STATION.

ANNEXURE 3: COPY OF THE AFFIDAVIT DATED 24.1.2015.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.799 of 2015

Dated this the 5th day of August, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.1027/2014 of the Mattanur Police Station, registered under Sections 420 and 498A r/w 34 of the Indian Penal Code on the complaint of one Bhushara. 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 Bhushara is the 1st respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. She has filed affidavit to the effect that she has settled the whole dispute with the accused and she 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.1027/2014 of the Mattanur Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P.UBAID
JUDGE

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