

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 10TH DAY OF FEBRUARY 2015/21ST MAGHA, 1936

Crl.MC.No. 838 of 2015 ()

CRIME NO. 966/2014 OF CHANDERA POLICE STATION , KASARGOD

PETITIONER(S)/ACCUSED:

1. ASKAR K.A
PAROL MANZIL, PARAYAMMANAM, ELAMBACHI.P.O.
KASARAGOD DISTRICT.
2. MUHAMMED NIYAS
APPATTILLATHU HOUSE, METTAMMAL, ELAMBACHI.P.O.
KASARAGOD DISTRICT.
3. SHAKEER ALI
BEEFATHIMA MANZIL, METTAMMAL, ELAMBACHI.P.O.
KASARAGOD DISTRICT.
4. MUHAMMED AJNAS
NEST VILLA, PADANNA, NEAR MUHIUDI MASJID
P.O.PADANNA, KASARAGOD DISTRICT.
5. MUHAMMED ZAHID
VARP HOUSE, METTAMMAL, ELAMBACHI.P.O.
KASARAGOD DISTRICT.
6. MUHAMMED NIZAR
NAVAS MANZIL, METTAMMAL, ELAMBACHI
KASARAGOD DISTRICT.

BY ADV. SRI.P.K.SUBHASH

RESPONDENT(S)/RESPONDENTS:

1. STATE
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.
2. SARATH K.V, AGED 23 YEARS
S/O.RAGHAVAN, KIZHAKKE VEETIL, MATTAMMAL
SOUTH TRIKARIPUR VILLAGE, HOSDURG TALUK
KASARAGOD DISTRICT. 671 121.
3. PRAVEEN P.V, AGED 20 YEARS
S/O.PRAKASHAN, METTAMMAL, SOUTH TRIKARIPU VILLAGE
HOSDURG TALUK, KASARAGOD DISTRICT. 671 121.

R2,3 BY ADV. SRI.A.ARUNKUMAR
R1 BY PUBLIC PROSECUTOR SMT. S. HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 10-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 838 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEUXRE A 1- A TRUE COPY OF THE F.I.R IN CRIME NO.966 OF 2014 OF CHANDERA
POLICE STATION, KASARAGOD DISTRICT.**

ANNEXURE A II- TRUE COPY OF THE AFFIDAVIT OF THE 2ND RESPONDENT.

ANNEXURE A III- TRUE COPY OF THE AFFIDAVIT OF THE 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

**PA TO JUDGE
sab**

P.UBAID, J.

Crl. M.C No.838 of 2015

Dated this the 10th day of February, 2015.

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.966 of 2014 of the Chandera Police Station, Kasaragod registered under Sections 143, 147, 148, 341, 323, 324, 427, 308 r/w 149 of IPC on the complaint of one Sarath. 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 Sarath 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 person who sustained injuries in the alleged incident is the third respondent herein. He has also filed affidavit to the effect that he has settled the dispute with the accused, and he has no grievance or complaint now. 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 some hypothetical statement.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.966 of 2014 of the Chandera Police Station, Kasaragod will stand quashed under Section 482 of the Code of Criminal Procedure.

P.UBAID,
JUDGE

sab