

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

Cr1.MC.No. 847 of 2015

CRIME NO. 1106/2014 OF ERAVIPURAM POLICE STATION, KOLLAM

PETITIONERS/ACCUSED NO. 1 TO 5:

1. SUJITH, AGED 21 YEARS,
S/O GILBERT, SUJITH BHAVAN, KANJIRODE,
KUNDARA P.O, KOLLAM.
2. AHAD AL RISA, AGED 23 YEARS,
S/O RAKKEEB, BISMILLAH HOUSE, ALAMCODE P.O,
ATTINGAL, THIRUVANANTHAPURAM.
3. HUSSAIN NAVAS, AGED 22 YEARS,
S/O NAVAS, BERNARD LAND, MURUKKUMPUZHA P.O,
THIRUVANANTHAPURAM.
4. ARAVIND M, AGED 24 YEARS,
S/O MITHRASENAN, NILAMELPADINJATTETHILPUTHEN VEEDU,
CHIRAKKARA P.O., KOLLAM.
5. THARIF RASHEED, AGED 22 YEARS,
S/O. ABDUL RASHEED 574(396), NOORAS COTTAGE,
ERAVIPURAM
KOLLAM-691010.

BY ADVS.SRI.K.SHAJ

SRI.SAJJU.S
SRI.RENJIT GEORGE
SMT.ANJU MOHAN
SRI.S.K.SUJITH KRISHNA
SRI.S.VISHNU (ARIKKATTIL)

RESPONDENTS/STATE, DEFACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.
2. ALIF, AGED 20 YEARS,
S/O. NAZER, ALIF GARDENS,
AZAD NAGAR, PADAYANARKULANGARA,
KARUNAGAPPALLY - 691 009.

3. BASSAM, AGED 21 YEARS,
S/O ABDUL SAMAD, ANSHAD MANZIL,
AYANIVELIKULANGARA VILLAGE - 691 014.

4. ASHIQ, AGED 21 YEARS,
S/O ABDUL RAHIM, K.K. HOUSE,
NEAR THAIKKAVU JUNCTION,
KADAPPA MAINAGAPPALLY CHERRY,
MAINAGAPPALLY - 691 014.

R2, R3 & 4 BY ADV. SRI.S.SUNIL NARAYANAN
R1 BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 11-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 847 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A1: THE CERTIFIED COPY OF THE FIR IN CRIME NO.1106/2014
OF ERAVIPURAM POLICE STATION.

ANNEXURE A2: AFFIDAVIT SWORN BY THE SECOND RESPONDENT STATING THE
SETTLEMENT OF ALL THE DISPUTES.

ANNEXURE A3: AFFIDAVIT SWORN BY THE THIRD RESPONDENT STATING THE
SETTLEMENT OF ALL THE DISPUTES.

ANNEXURE A: AFFIDAVIT SWORN BY THE FOURTH RESPONDENT STATING THE
SETTLEMENT OF ALL THE DISPUTES.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.847 of 2015

Dated this the 11th day of February, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.1106/2014 of Eravipuram Police Station, Kollam, registered under Sections 143, 147, 323 and 341 r/w 149 of the Indian Penal Code on the complaint of one Alif. 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 Alif 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 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.1106/2014 of Eravipuram Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

**Sd/-
P.UBAID
JUDGE**

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