

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

Cr1.MC.No. 852 of 2015

IN CRIME NO.1055/2014 OF CHELAKKARA POLICE STATION

PETITIONER:

KRISHNANKUTTY @ RAJAN, AGED 44 YEARS,
S/O.SANKARAN NAIR, VILLEDUTHU HOUSE, THONDENKADAVU,
CHELAKKARA VILLAGE, CHELAKKARA P.O, THRISSUR
PIN - 680 586.

BY ADVS.SRI.SABU GEORGE
SRI.NIDHI BALACHANDRAN

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM 682 035.
2. ASHOK KUMAR @ ASOKAN, AGED 29 YEARS,
S/O.NARAYANANKUTTY, THEKKUNAMBIDI HOUSE,
PANGARAPPILLY VILLAGE, PADINJARE PANGARAPPILLY,
PANGARAPPILLY P.O, PAZHAYANNUR TALUK,
THRISSUR DISTRICT, PIN - 680 586.

* ADDL. RESPONDENTS:

3. SREEJESH, AGED 30 YEARS,
S/O RAMAN, KALLAMPILLY HOUSE, PANGARPPILLY VILLAGE,
PANGARAPPILLY P.O., VIA CHELAKKARA,
PAZHAYANNUR TALUK, THRISSUR DISTRICT, PIN - 680 586
4. REJANI, AGED 33 YEARS,
W/O.KRISHNANKUTTY @ RAJAN, VILLEDATHU HOUSE,
THONDENKADAVU, CHELAKKARA VILLAGE, CHELAKKARA P.O,
THRISSUR, PIN 680 586

ADDITIONAL R3 AND R4 ARE IMPEADED AS PER ORDER DATED 20.02.2015
IN CRL.M.A.NO.1348/2015

R1 BY ADV. SRI.JAYAKRISHNAN.C.H
R1 BY SR. PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 23-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 852 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A. COPY OF THE FIR NO.1055 OF 2014 OF CHELAKKARA POLICE STATION ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, WADAKKANCHERY.

ANNEXURE B. COPY OF THE AFFIDAVIT DATED 9.2.15 SWORN TO BY RESPONDENT NO.2.

ANNEXURE C. COPY OF THE AFFIDAVIT DATED 12.2.15 SWORN TO BY VICTIM NO.2 IN FIR NO.1055 OF 2014 OF CHELAKKARA POLICE STATION.

ANNEXURE D. COPY OF THE AFFIDAVIT DATED 12.2.15 SWORN TO BY VICTIM NO.3 IN FIR NO.1055 OF 2014 OF CHELAKKARA POLICE STATION.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.852 of 2015

Dated this the 23rd day of February, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.1055/2014 of Chelakkara Police Station, registered under Sections 323 and 326 of the Indian Penal Code on the complaint of one Ashok Kumar @ Asokan. 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 Ashok Kumar @ Asokan 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. 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.

3. 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.1055/2014 of the Chelakkara Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

**P.UBAID
JUDGE**

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