

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. 856 of 2015

CRIME NO. 116/2015 OF PEROORKADA POLICE STATION,
THIRUVANANDAPURAM

PETITIONERS/ACCUSED 1 & 2:

1. ANILKUMAR.T @ KEPPANANI, S/O.THANKAPPAN,
THACHANKERI VEEDU,
MARUTHAMKUZHI, KANJIRAMPARA P.O,
THIRUVANANTHAPURAM 695 013.
2. SANTHI, D/O.GANESH, AGED 42 YEARS,
ERAPPUKUZHI DEVI NAGAR ERA 42,
KUDAPPANAKUNNU P.O,
THIRUVANANTHAPURAM - 695 043.

BY ADVS.SRI.SUMAN CHAKRAVARTHY
SMT.K.R.RIJA

RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

1. STATE OF KERALA
REP. BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.
2. PRABHUL RAJ,
S/O.SHANMUGHAM CHETTIAR, TC 5/1577, PADMA VIHAR,
NEAR SURVEY SCHOOL, AMABALAMUKKU, PERRORKADA,
THIRUVANANTHAPURAM.

R2 BY ADV. SRI.ASHOK SURESH
R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

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. 856 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A: A CERTIFIED COPY OF THE FIR IN CRIME NO.116/15 OF
PERRORKADA PS.

ANNEXURE B: ORIGINAL OF THE ATTESTED AFFIDAVIT DATED 6/2/2015

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.856 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.116/2015 of Perrorkada Police Station, registered under Section 308 r/w 34 of the Indian Penal Code on the complaint of one Prabhul Raj. 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 Prabhul Raj 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. I find that Section 308 IPC was 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.116/2015 of the Perrorkada Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

**Sd/-
P.UBAID
JUDGE**

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