

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937

Cr1.MC.No. 999 of 2015

CRIME NO. 1846/2014 OF KUNDARA POLICE STATION , KOLLAM

PETITIONER/ACCUSED :

T.ANILKUMAR, AGED 42 YEARS,
S/O. THOMAS, BIJU BHAVAN, CHEMMAKAD P.O,
PERINAD, KOLLAM DISTRICT.

BY ADVS.SRI.C.A.CHACKO
SMT.C.M.CHARISMA

RESPONDENTS/COMPLAINANT & DEFAC TO COMPLAINANT :

1. STATE OF KERALA
REPRESENTING SUB INSPECTOR OF POLICE
KUNDARA POLICE STATION
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. SALTON, AGED 48 YEARS,
S/O. YESUDASAN, SUSEELA VILASAM, KUTHIRAMUNAMBIL,
PADAPPAKARA, KOLLAM DISTRICT-691 503.
3. SANOOP (MINOR) , AGED 15 YEARS,
REPRESENTED BY HIS FATHER 2ND RESPONDENT SALTON
S/O. YESUDASAN, SUSEELA VILASAM, KUTHIRAMUNAMBIL
PADAPPAKARA, KOLLAM DISTRICT-691 503.

R2-R3 BY ADV. SRI.SEBY JOSEPH
R1BY PUBLIC PROSECUTOR SMT.V.H.JASMINE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 21-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 999 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1 : CERTIFIED COPY OF FIR IN CRIME NO.1846/2014 OF
KUNDARA POLICE STATION.

ANNEXURE A2 : COPY OF REPORT DTD.28.8.2014 SUBMITTED BEFORE
JFCM, KOLLAM.

ANNEXURE A3 : AFFIDAVIT DTD.13.1.2015 OF 2ND RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.999 of 2015

Dated this the 21st day of August, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.1846/2014 of the Kundara Police Station, registered under Sections 294(b), 323 and 324 of the Indian Penal Code on the complaint of one Sanoop. 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 Sanoop is the 3rd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. The affidavit filed by the 2nd respondent, on behalf of the 3rd respondent, shows that he has settled the whole dispute with the accused and he or his son 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.1846/2014 of the Kundara Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

**P.UBAID
JUDGE**

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