

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 24TH DAY OF JULY 2015/2ND SRAVANA, 1937

Crl.MC.No. 1048 of 2015 ()

CRIME NO. 105/2012 OF PUNNAPRA POLICE STATION , ALAPPUZHA

PETITIONER(S)/ACCUSED NOS. 1 TO 5:

1. RAJAGOPAL, AGED 53 YEARS,
S/O.RAMACHANDRAN, NILAVEEDU, VADAKKAL MURI,
PARAVOOR VILLAGE, AMBALAPPUZHA TALUK,
ALAPPUZHA DISTRICT.
2. SHAJI, AGED 42 YEARS,
S/O.RAMACHANDRAN, NILAVEEDU, VADAKKAL MURI,
PARAVOOR VILLAGE, AMBALAPPUZHA TALUK,
ALAPPUZHA DISTRICT.
3. ANIL KUMAR, AGED 46 YEARS,
S/O.RAMACHANDRAN, NILAVEEDU, VADAKKAL MURI,
PARAVOOR VILLAGE, AMBALAPPUZHA TALUK,
ALAPPUZHA DISTRICT.
4. LATHIKA, AGED 49 YEARS,
W/O.RAJAGOPAL, NILAVEEDU, VADAKKAL MURI,
PARAVOOR VILLAGE, AMBALAPPUZHA TALUK,
ALAPPUZHA DISTRICT.
5. SANDHYA, AGED 38 YEARS,
W/O.ANIL KUMAR, NILAVEEDU, VADAKKAL MURI,
PARAVOOR VILLAGE, AMBALAPPUZHA TALUK,
ALAPPUZHA DISTRICT.

BY ADV. SRI.B.PRAMOD

RESPONDENT(S)/COMPLAINANT & STATE:

1. LATHIKA,
W/O.ASOKAN, NILAVEETILCHIRAYIL, VADAKKAL MURI,
PARAVOOR VILLAGE, AMBALAPPUZHA TALUK,
ALAPPUZHA DISTRICT - 688 501.
2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SRI.P.SHANES METHER
R2 BY SMT.S.HYMA, PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
24-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SD

Crl.MC.No. 1048 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS:

**ANNEXURE I: CERTIFIED COPY OF THE COMPLAINT FILED BY THE 1ST
RESPONDENT BEFORE JUDICIAL FIRST CLASS MAGISTRATE COURT,
AMBALAPPUZHA.**

**ANNEXURE II: CERTIFIED COPY OF THE F.I.R. IN CRIME NO. 105/2012 OF PUNNAPRA
POLICE STATION, ALAPPUZHA DISTRICT.**

ANNEXURE III: TRUE COPY OF THE AFFIDAVIT OF THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS -NIL

TRUE COPY

PA TO JUDGE

P. UBAID, J.

Crl.M.C. No.1048 of 2015

Dated this the 24th day of July, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.105/2012 of the Punnapra Police Station, Alappuzha District, registered under Sections 323, 354, 452 and 506(ii) read with 149 IPC, on the complaint of one Lathika. 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 Lathika is the 1st respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. She has filed affidavit to the effect that she has settled the whole dispute with the accused, and she has no grievance or complaint.

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.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.105/2012 of the Punnapra Police Station, Alappuzha District, will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

P. UBAID, JUDGE

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