

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

CrI.MC.No. 1051 of 2015 ()

CRIME NO. 2051/2014 OF CHAVARA POLICE STATION , KOLLAM

PETITIONER(S)/ACCUSED NOS 1 TO 4:

1. JOSE, AGED 40 YEARS
S/O. MARTIN, KANIYAMKADA PALLI PURAYIDAM
MEENATHU CHERI, KAVANADU, SAKTHIKULANGARA VILLAGE
KOLLAM DISTRICT
2. DANIEL, S/O.MARTIN AGED 42 YEARS
KANIYAMKADA PALLI PURAYIDAM, MEENATHU CHERI, KAVANADU
SAKTHIKULANGARA VILLAGE, KOLLAM DISTRICT
3. VICTOR, S/O.YOHANNAN AGED 52 YEARS
AJIN NIVAS, KANIYAMKADA PALLI PURAYIDAM
MEENATHU CHERI, KAVANADU, SAKTHIKULANGARA VILLAGE
KOLLAM DISTRICT
4. PHILOMINA, D/O.MARY, AGED 44 YEARS
KANIYAMKADA PALLI PURAYIDAM, MEENATHU CHERI, KAVANADU
SAKTHIKULANGARA VILLAGE, KOLLAM DISTRICT

BY ADV. SMT.S.SEETHA

RESPONDENT(S)/DE-FACTO COMPLAINANT & STATE:

1. STATE OF KERALA
THROUGH THE SUB INSPECTOR OF POLICE
CHAVARA POLICE STATION REP BY THE PUBLIC PROSECUTOR
HGIH COURT OF KERALA
2. SANTHOSH KUMAR, AGED 48 YEARS,
S/O.SOMASUNDARAM, KODAYIL VEEDU,
EAST OF MANNANTHARA TEMPLE, NEENDAKARA MURI
NEENDAKARA VILLAGE, KOLLAM DISTRICT - 691 582.

R2 BY ADV. SRI.PRATHEESH.P

R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
20-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 1051 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNX 1- THE COPY OF THE FIR WITH FIS IN CRIME NO. 2051/2014 OF CHAVARA
POLICE STATION

ANNX 2- THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT REGARDING
COMPROMISE DATED 9.1.2015

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
~~~~~  
**Crl.M.C No.1051 of 2015**  
~~~~~  
Dated this the 20th February, 2015

ORDER

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.2051 of 2014 of Chavara Police Station, Kollam, registered under Sections 452, 341, 324, 323 and 427 read with 34 of Indian Penal Code on the complaint of one Santhosh Kumar. 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 Santhosh Kumar 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 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 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.2051 of 2014 of Chavara Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

**Sd/-
P.UBAID
JUDGE**

ma

/True copy/

P.S to Judge