

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

Crl.MC.No. 1178 of 2015

**FIR & FINAL REPORT IN CRIME NO. 154/2011 DATED 18.6.2011 OF PERUMPETTY
POLICE STATION**

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PETITIONER(S)/ACCUSED 1 TO 6:

1. **SANTHOSH E.R., AGED 35 YEARS,
S/O. RAJAN, SAI NIVAS, EZHUMATTOOR,
PATHANAMTHITTA.**
2. **ARUN MOHAN,
S/O. MOHANAN PILLAI, MANGALOLIKKAL HOUSE,
EZHUMATTOOR P.O., MALLAPPALLY.**
3. **SURJITH, AGED 25,
S/O. SOMARAY, VADAKKEMURIYIL, EZHUMATTOOR P.O.,
MALLAPPALLY.**
4. **MANOJ, AGED 35 YEARS,
S/O. HARIDAS, MELEVEETIL HOUSE, EZHUMATTOOR,
MALLAPPALLY.**
5. **RENJITH, AGED 25,
S/O. KUTTAN, KALAPURAYIL, VALAKKUZHI P.O.,
MALLAPPALLY.**
6. **SURESH KUMAR, AGED 31,
S/O. GOPI, SUBARIMANKAL, EZHUMATTOOR P.O.,
MALLAPPALLY.**

**BY ADVS.SRI.P.HARIDAS
SRI. SIKKY RAVISHANKAR**

RESPONDENT(S)/STATE, COMPLAINANT AND DEFACTO COMPLAINANT:

1. **STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

msv/

Crl.MC.No. 1178 of 2015

**2. SUB INSPECTOR OF POLICE,
PERUMPETTY POLICE STATION, PIN - 689 101.**

**3. THOMAS DANIEL, AGED 59,
S/O. KOCHUKUNJU, PUTHUPARAMBIL HOUSE, IRIMBUKUZHY,
EZHUMATTOOR, MALLAPPALLY, PIN - 689 010.**

**R1 & R2 BY SENIOR PUBLIC PROSECUTOR SMT.SAREENA GEORGE
R3 BY ADV. SRI.T.P.PRADEEP**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
25-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 1178 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE 1 : TRUE COPY OF THE FIR NO.154/2011 OF PERUMPATTY POLICE
STATION ALONG WITH F1 STATEMENT DTD.18.6.2011.**

ANNEXURE 2 : AFFIDAVIT FILED BY THE 3RD RESPONDENT.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P. UBAID, J.

Crl.M.C.No.1178 of 2015

Dated this the 25th day of February, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.154/2011 of the Perumpatty Police Station, registered under Sections 143, 147, 148, 149, 452, 427 and 506(2) IPC on the complaint of one Thomas Daniel. 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, Thomas Daniel is the 3rd 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 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.154/2011 of the Perumpatty Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

P. UBAID, JUDGE

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