

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

CrI.MC.No. 1214 of 2015 ()

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CRIME NO. 274/2015 OF ERNAKULAM CENTRAL POLICE STATION , ERNAKULAM
DISTRICT
=====**

PETITIONER/ACCUSED:

**WILLIAM CHELLAM, AGED 32 YEARS
S/O.DEENADAYAL CHELLAM N. SIMON
HOUSE NO.2534/15/1, VUDAVEETHI ROAD
VISHAKHAPATNAM TOWN, VISHAKHAPATNAM
DISTRICT, SEEMANDRA-530001**

**BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S**

RESPONDENTS/STATE,CW1:

- 1. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM-682031**
- 2. FEBIN VARGHESE, AGED 31 YEARS
S/O. GEEVARGHESE, CHAMBAKOTTUKUDIYIOL HOUSE
THRIKKARIYUR VILLAGE, KOTHAMANGALAM
ERNAKULAM DISTRICT - 689106.**

**R2 BY ADV. SRI.SERGI JOSEPH THOMAS
R1 BY Sr. PUBLIC PROSECUTOR SMT. SAREENA GEORGE P.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26-02-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

CRLM.C.NO.1214/2015

APPENDIX

PETITIONER'S EXHIBITS

**ANNEXURE A1 COPY OF THE F.I.R. IN CRIME NO.274/2015 OF CENTRAL
POLICE STATION ON THE FILE OF THE JUDICIAL FIRST CLASS
MAGISTRATE COURT-II, ERNAKULAM**

**ANNEXURE A2 AFFIDAVIT SWORN BY THE SECOND RESPONDENT STATING
THE SETTLEMENT OF ALL THE DISPUTES**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.1214 of 2015

Dated this the 26th day of February, 2015

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.274/2015 of the Central Polic Station, registered under Section 379 IPC on the complaint of one Febin Geevarghese. 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, Febin Geevarghese 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.

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.274/2015 of the Central Polic Station will stand quashed under Section 482 of the Code of Criminal Procedure. If the petitioner is in custody, he will be immediately released from custody.

Sd/-

P. UBAID, JUDGE

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