

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. 1216 of 2015 ()

CRIME NO. 122/2015 OF MATHILAKAM POLICE STATION, TRISSUR DISTRICT

PETITIONER/1ST AND 2ND ACCUSED:

- 1. RAVEESH, AGED 38 YEARS
S/O PADMAJAN, ERATTU HOUSE
POST CHAKKARAPADAM
THRISSUR DISTRICT.**
- 2. VIPIN, AGED 27 YEARS
S/O. MANI, CHARANGATHU HOSUE
EAST 12TH KAIPPAMANGALAM
THRISSUR DISTRICT.**

BY ADV. SRI.RAJESH CHAKYAT

RESPONDENT/COMPLAINANT:

- 1. RAJEEV, AGED 36 YEARS S/O. SUBRAMANIAN
KULIYEDATHU HOSUE, MATHILAKAM
PUTHIYAKAVU DESOM, PAPPINIVATTOM VILLAGE
KODUNGALLUR TALUK, THRISSUR DISTRICT.**
- 2. THE SUB INSPECTOR OF POLICE
MATHILAKAM, THRISSUR DISTRICT
REP. BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA.**

R1 BY ADV. SMT.B.L.RENJU

R2 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:

APPENDIX

PETITIONERS' EXHIBITS

A1 - CERTIFIED COPY OF THE FIR IN CRIME NO. 122/15 DT. 14.1.15.

**A2 - ORIGINAL COPY OF THE COMPOUNDING AFFIDAVIT EXECUTED BY THE
DEFACTO COMPLAINANT/1ST RESPONDENT DT. 16.2.15.**

RESPONDENTS' EXHIBITS

NIL

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

SD

P. UBAID, J.

Crl.M.C.No.1216 of 2015

Dated this the 26th day of February, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.122/2015 of Mathilakam Police Station, registered under Sections 341, 323, 324, 326 read with 34 IPC on the complaint of one Rajeev. 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, Rajeev is the 1st 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.122/2015 of Mathilakam Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

P. UBAID, JUDGE

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