

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

Crl.MC.No. 1243 of 2015 ()

CRIME NO. 294/2015 OF TOWN EAST POLICE STATION , TRISSUR

PETITIONER(S)/ACCUSED 1 & 2:

1. RATHISH AGED 26 YEARS
S/O.RAVEENDRAN, MADATHIPARAMBIL HOUSE, MADAKKATHARA
THRISSUR.
2. SONI AGED 38 YEARS
S/O.ANTONY, ARIMBOORPALLAN, NEDUPUZHA P.O.
PANAMUKKU, THRISSUR.

BY ADV. SRI.UNNI SEBASTIAN KAPPEN

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM – 682 031
2. ASHRAF A.V, AGED 37 YEARS
S/O.KUNJUMON, AMBALATH VEETTIL HOUSE, PURANG DESOM
PONNANI TALUK, MALAPPURAM DISTRICT – 679 577.

R2 BY ADV. SRI.THOMAS J.ANAKKALLUNKAL
R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
27-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 1243 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE 1: TRUE COPY OF THE FIR IN CRIME NO. 294/2015 OF TRICHUR EAST
POLICE STATION, THRISSUR DISTRICT.

ANNEXURE 2: AFFIDAVIT SWORN IN BY THE 2ND RESPONDENT/DEFACTO
COMPLAINANT.

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.1243 of 2015**  
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Dated this the 27th February, 2015

ORDER

The petitioners herein seek orders quashing the F.I.R and further proceedings in Crime No.294 of 2015 of Trichur East Police Station, registered under Sections 341 and 323 read with 34 of Indian Penal Code on the complaint of one Ashraff. 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 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.294 of 2015 of Trichur East 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