

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

Crl.MC.No. 1287 of 2015 ()

CRIME NO. 385/2015 OF TOWN EAST POLICE STATION , TRISSUR

PETITIONER(S)/ACCUSED:

**ASHRAFF A.V. AGED 37 YEARS
S/O.KUNJUMON, AMBALATH VEETIL HOUSE, PURANG DESOM
PONNANI TALUK, MALAPPURAM DISTRICT.**

BY ADV. SRI.THOMAS J.ANAKKALLUNKAL

RESPONDENT(S)/RESPONDENTS/STATE & DEFACTO COMPLAINANT:

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. RATHISH
S/O.RAVEENDRAN, MADATHIPARAMBIL HOUSE, MADAKKATHARA
THRISSUR - 680 561.**

**R2 BY ADV. SRI.UNNI SEBASTIAN KAPPEN
R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE. P.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 03-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 1287 of 2015 ()

APPENDIX

PETITIONERS ANNEXURES:

- 1. TRUE COPY OF THE FIR IN CRIME NO.385 OF 2015 OF TRICHUR EAST POLICE STATION, THRISSUR DISTRICT**
- 2. AFFIDAVIT SWORN IN BY THE 2ND RESPONDENT / DE FACTO COMPLAINANT**

RESPONDENTS ANNEXURES: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 1287 of 2015

Dated this the 3rd day of March, 2015.

O R D E R

The petitioner seek orders quashing the F.I.R and further proceedings in Crime No.385 of 2015 of the Trichur East Police Station, Thrissur registered under Section 323 IPC on the complaint of one Rathish. 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 Rathish 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.385 of 2015 of the Trichur East Police Station, Thrissur will stand quashed under Section 482 of the Code of Criminal Procedure.

P.UBAID,
JUDGE

sab