

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. 1297 of 2015 ()

CRIME NO. 278/2015 OF KUTHUPARAMBA POLICE STATION , KANNUR

PETITIONER(S):

**1. RAFNAS AGED 20 YEARS
S/O RASAK, THAHIRA MANZIL
MANGATTIDOM P.O, AYYAPPANTHODU VIA
KUTHUPARAMBA, KOLLAM**

**2. MUHAMMED RASHID. P.K, S/O BASHEER
AGED 27 YEARS, SALVIA, KUTTUPARAMBA AMSOM
AMBILAD DESOM, KANNUR DISTRICT**

**BY ADVS.SRI.K.SIJU
SRI.S.ABHILASH**

RESPONDENT(S):

**1. STATE OF KERALA
THROUGH THE SUB INSPECTOR OF POLICE, KUTHUPARAMBA
POLICE STATION REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA**

**2. ADINAN K.K, S/O ASHRAF.M, AGED 21 YEARS, KANIYAMKANDY ARSHAD
MANZIL, MADAM BEACH ROAD, MUZHAPPILANGAD AMSOM, KANNUR
DISTRICT**

**R2 BY ADV. SRI.A.MUHAMMED RAFFI
R 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. 1297 of 2015 ()

APPENDIX

PETITIONERS ANNEXURES:

I. THE COPY OF FIR WITH FIS IN CRIME NO.278 OF 2015 OF KUTHUPARAMBA POLICE STATION.

II. THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT REGARDING COMPROMISE DATED 27.2.2015

RESPONDENTS ANNEXURES: NIL

/TRUE COPY/

P A TO JUDGE
sab

P.UBAID, J.

Crl. M.C No.1297 of 2015

Dated this the 3rd day of March, 2015.

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No 278 of 2015 of Kuthuparamba Police Station, Kannur, registered under Sections 341, 323, 506 and 392 r/w 34 of IPC on the complaint of one Adinan. 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 Adinan 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 278 of 2015 of Kuthuparamba Police Station, Kannur will stand quashed under Section 482 of the Code of Criminal Procedure.

P.UBAID,
JUDGE

sab