

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

Crl.MC.No. 1333 of 2015 ()

CRIME NO. 27/2015 OF KODENCHERY POLICE STATION , KOZHIKODE

PETITIONER/ACCUSED:

BENNY, AGED 42 YEARS
S/O. JOSEPH, NINAKKAPARAMBIL HOUSE, KODANCHERRY PO
KOZHIKODE DISTRICT

BY ADVS.SRI.BABU S. NAIR
SRI.K.RAKESH

RESPONDENTS/STATE & DEFACTO COMPLAINANTS:

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1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERLA
ERNAKULAM KOCHI 31-FOR THE SUB INSPECTOR OF POLICE
KODENCHERRY POLICE STATION, KOZHIKODE DISTRICT
 2. SURESH BABU,
S/O. BALAN, CHOTTINMEL HOUSE, MEEMUTTY PO
NELLIPOYIL TALUK, KOZHIKODE DISTRICT, PIN-673 580

R2 BY ADV. SMT.M.LISHA
R1 BY PUBLIC PROSECUTOR, SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
18-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 1333 of 2015 ()

APPENDIX

PETITIONER'S EXHIBITS

ANNEXURE A: TRUE COPY OF THE FIR IN CRIME NO. 27/2015 OF THE
KODENCHERRY POLICE STATION DATED 22.2.2015

ANNEXURE B: TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE 2ND
RESPONDENT DATED 27.2.2015

RESPONDENTS' EXHIBITS : NIL

// TRUE COPY //

PA to Judge

dl

P.UBAID, J.

Crl. M.C No.1333 of 2015

Dated this the 18th day of March, 2015.

O R D E R

The petitioner seeks orders quashing the F.I.R and further proceedings in Crime No.27 of 2015 of the Kodencherry Police Station, registered under Sections 341, 323, 324 and 308 of IPC on the complaint of one Suresh Babu. 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 Suresh Babu 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

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. On a perusal of the FI statement, I find nothing for a prosecution under Section 308 IPC. The said Section was incorporated by the police in the FIR on the basis of a hypothetical statement given by the complainant.

In the result, this petition is allowed. The F.I.R and further proceedings in crime No. 27 of 2015 of the Kodencherry Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

P.UBAID,
JUDGE